# IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

Jacqı	uard Merritt,	)			
	Plaintiff,	)			
VS.		)	CASE	NO.	2:07cv627-WKW
Drug	Enforcement Administration	)			
	Defendant.	)			

#### MEMORANDUM BRIEF

#### I. INTRODUCTION

On July 12, 2007, Jacquard Merritt, through his attorney Joe Reed, filed a Motion to Set Aside Forfeiture and Motion for Release and Return of Seized Property. The Complaint alleges, *inter alia*, that the Montgomery, Alabama, Police Department illegally seized \$8,000.00 in United States currency and that the Drug Enforcement Administration (hereinafter, "DEA") illegally adopted the currency for federal forfeiture. Plaintiff alleges violation of federal statutes and violations arising from the Fourth, Fifth and Fourteenth Amendments of the United States Constitution.

#### II. STATEMENT OF FACTS

On August 21, 2006, Merritt, through his attorney Joe Reed, filed a Temporary Restraining Order and Motion for Release and Return of Seized Money in the Circuit Court of Montgomery County, Case Number CV-06-2215-R (See Exhibit 8, Declaration of John Hieronymus). The suit was filed against the City of Montgomery, Arthur Baylor, T. D. James, Henry Davis, and others officially and

individually and alleged various violations of the Alabama Constitution and the United States Constitution. DEA was not named as a party to this action nor was DEA served with the Complaint. The Complaint only lists individuals and does not name the seized currency as a defendant or otherwise assert specific or in rem jurisdiction over the currency. On November 8, 2006, Merritt amended this suit to show jurisdiction predicated solely upon 42 U.S.C. § 1983. Again, the seized currency was not named or jurisdiction over it invoked.

On August 23, 2006, DEA adopted this seizure for federal forfeiture because the investigation revealed probable cause to believe that the seized currency was furnished or was intended to be furnished in exchange for a controlled substance, in violation of 21 U.S.C. § 881(a)(6). DEA then sent a Certified Notice of Seizure Letter to Merritt at two Montgomery addresses and to his counsel's office (c/o Joe Reed, Jr., Esquire at Mr. Reed's office). DEA received the acknowledgment from one Montgomery address and Mr. Reed's office. DEA also caused to be published in <a href="The Wall Street Journal">The Wall Street Journal</a>, once a week for three consecutive weeks, notice of DEA's intent to forfeit this asset. (See Exhibits 1 through 7, Declaration of John Hieronymus). The Notice of Seizure letter clearly indicated the procedure for filing a valid claim and the time deadline (October 25, 2006) for submitting a valid claim.

On October 31, 2006, DEA received a letter from Mr. Reed. (See Exhibit 8, Declaration of John Hieronymus). On November 8, 2006, DEA returned this letter as untimely. (See Exhibit 9, Declaration of John Hieronymus). On January 30, 2007, the currency was declared as forfeited. (See Exhibit 11, Declaration of John Hieronymus).

On July 9, 2007, Merritt filed this case with the United States District Court for the Middle District of Alabama, Northern Division.

#### III. ARGUMENT

DEA asserts that the matter should be dismissed in that the plaintiffs are attempting to circumvent the administrative forfeiture process by filing a Complaint with the United States District Court thereby collaterally attacking the seizure instead of following the rules established for administrative forfeitures.

#### A. Lack of Jurisdiction Over Fourth Amendment Issues.

The district court does not have jurisdiction to review the merits of a properly executed administrative forfeiture. A district court's jurisdiction is limited under 28 U.S.C. § 1331 to a review of adequacy of the notice. This jurisdiction does not include a Fourth Amendment objection to the legality of a seizure that the plaintiff could have raised had he filed a claim. <u>United States v. Giraldo</u>, 45 F.3d 509, 511 (1st Cir. 1995). See also United States v. Schiavo, 897 F.Supp. 644, 647 (D. Mass. 1995),

Valderrama v. United States, 417 F.3d 1189 (11th Cir. 2005).

B. Federal Administrative Forfeiture Proceedings Against the Seized Properties Pursuant to 21 U.S.C. § 881 Were Procedurally Proper and Met All Statutory and Regulatory Requisites.

This case does not present any statutory or regulatory procedural defects. The seizure was adopted by DEA after it was first determined that sufficient drug-related probable cause existed to subject the money to federal forfeiture proceedings. See 21 U.S.C. § 881(a)(6). Adoption of the seizure by an authorized agency of the United States has the same effect as if the seizure had originally been made by the United States. United States v. One Ford Coupe, 272 U.S. 321 (1926); Madewell v. Downs, 68 F.3d 1030, 1037, (8th Cir. 1995); United States v. Winston-Salem/Forsyth County Bd. Of Educ., 902 F.2d 267 (4th Cir. 1990). Adoptive forfeitures are a specifically recognized exception to the seizure warrant requirement in section 18 U.S.C. § 981(b).

DEA timely and properly initiated the federal forfeiture proceedings against the seized property. See 21 U.S.C. § 1607 and 21 C.F.R. § 1316.77(a). DEA sent written notices of seizure to the only known party having an interest in the property, including his legal counsel. See 19 U.S.C. § 1607(a). Further, notice of each seizure was published in The Wall Street Journal, a newspaper of general circulation in the Middle District of Alabama, on three consecutive Mondays. See 19 U.S.C. § 1607(a); 21 C.F.R. § 1316.74, 19 C.F.R. § 162.47(e). Each written notice provided detailed

information regarding the procedures for contesting the forfeiture either judicially or administratively. See 28 C.F.R. §§ 9.1-9.7. When Merritt failed to submit a timely valid claim to DEA, the property was administratively forfeited to the United States. See 19 U.S.C. § 1609; 21 C.F.R. § 1316.77.

A district court lacks subject matter jurisdiction over challenges to the legitimacy of a forfeiture proceeding and cannot review the merits of an administrative forfeiture. Valderrama v. United States, 417 F.3d 1189, 1196 (11th Cir. 2005); see also Green, et al. v. DEA, Civil Action No. 2:07cv416-WHA, Middle District of Alabama; August 17, 2007. (Copy attached). "The overwhelming weight of authority supports the position that a federal court lacks jurisdiction to review the merits of administrative forfeiture decisions once the administrative process has begun." States v. One 1987 Jeep Wrangler, 972 F.2d 472, 480 (2nd Cir. 1992). See Linarez v. U.S. Department of Justice, 2 F.3d 208, 211-212 (7th Cir. 1993) (once a federal agency initiates an administrative forfeiture proceeding under 19 U.S.C. § 1607, the federal court is divested of jurisdiction unless an interested party files a proper and timely claim and cost bond or affidavit of indigency). Toure v. United States, 24 F.3d 444 (2<sup>nd</sup> Cir. 1994) (court's jurisdiction is limited to reviewing the adequacy of the notice). United States <u>v. Eubanks</u>, 169 F.3d 672 (11<sup>th</sup> Cir. 1999) ("[i]t is inappropriate for a court to exercise equitable jurisdiction to review the merits of

a forfeiture matter when the petitioner elected to forego the procedures for pursuing an adequate remedy at law.") See also United States v. Castro, 883 F.2d 1018, 1019-20 (11th Cir. 1989); United States v. \$83,310.78 in United States Currency, 851 F.2d 1213, 1235 (9th Cir. 1988); In Re Harper, 835 F.2d 1273, 1274-1275 (8th Cir. 1988); Willis v. United States, 787 F.2d 1089, 1094 (7th Cir. 1986).

By filing a complaint in the United States District Court, Merritt is attempting to bypass DEA's administrative forfeiture proceedings and negate the fact that he failed to timely contest the forfeiture. This attempt fails, however, to confer jurisdiction on the Court. See Willis, 787 F.2d at 1094. See also Shockley v. Jones, 823 F.2d 1068, 1070 n.1 (7th Cir. 1987).

# C. <u>In Rem</u> Jurisdiction

It is well established that only one court may have jurisdiction over the res at a time; the first court to obtain jurisdiction maintains it until it is relinquished. Madewell v. Downs, 68 F.3d 1030, 1041 n. 13 (8th Cir. 1995); In Re Seizure of Approximately 28 Grams of Marijuana, 278 F. Supp. 2d 1097, 1101 (N.D. Cal. 2003); Cole v. United States (In re United States Currency \$844,520.00), 136 F.3d 581 (1998) disallowing a collateral attack on a completed administrative forfeiture. The "general rule that for 'proceedings in rem or quasi in rem...the state or federal court having custody of the...property has exclusive jurisdiction

to proceed." <u>Lankenau v. Coggeshall & Hicks</u>, 350 F.2d 61, 64 (2<sup>nd</sup> Cir. 1965) (quoting <u>Donovan v. City of Dallas</u>, 377 U.S. 408, 412, L.Ed.2d 409, 84 S.Ct. 1579 (1964)).

In the action commenced by the plaintiff in State court, the plaintiff failed to include the contested currency in the caption of the Complaint and he filed suit against a municipality and individuals alleging an unlawful seizure of the currency. The relief sought was declaratory and injunctive against the named defendants clearly showing that the jurisdiction obtained in the action was <u>in personum</u>, not <u>in rem</u>. The plaintiff did not file suit against the currency or specifically seek jurisdiction over it and the State Court did not have <u>in rem</u> jurisdiction.

# D. 18 U.S.C. § 983(e) Is The Exclusive Remedy To Seek To Set Aside A Declaration Of Forfeiture.

As shown above, the property at issue has been declared forfeited by the DEA.

A motion filed under this subsection shall be the exclusive remedy for seeking to set aside a declaration of forfeiture under a civil forfeiture statute.

#### 18 U.S.C. § 983(e)(5).

The complaint filed with this Court does not comply with the requirements of 18 U.S.C. § 983. As this is the exclusive remedy available, the complaint should be dismissed. <u>See also Valderrama</u>, 417 F.3d at 1195. (Claimant may only seek relief under 18 U.S.C. §

983 when the government has failed to comply with notice under the statute; claimant may not challenge the forfeitability of the property in administrative actions filed after August 23, 2000.)

## E. Plaintiff May Not Seek Equitable Relief.

A court should not exercise equitable jurisdiction over the merits of a forfeiture action where an adequate remedy at law is available and a plaintiff fails to avail himself of the remedy.

Valderrama, 417 F.3d at 1197; United States v. Eubanks, 169 F.3d 672 (11<sup>th</sup> Cir. 1999); see also Green v. DEA, et al., Civil Action No. 2:07cv416-WHA, Middle District of Alabama; August 17, 2007.

#### IV. CONCLUSION

For the above stated reasons, DEA submits that the civil complaint in this matter must be dismissed, or in the alternative, summary judgment be entered in favor of the Government.

Respectfully submitted this  $5^{th}$  day of September, 2007.

FOR THE UNITED STATES ATTORNEY LEURA G. CANARY

#### <u>/s/John T. Harmon</u>

John T. Harmon

Assistant United States Attorney

Bar Number: 7068-II58J

Office of the United States Attorney

Middle District of Alabama

131 Clayton Street

Post Office Box 197

Montgomery, Alabama 36101-0197

Telephone: (334) 223-7280 Facsimile: (334) 223-7560

E-mail: John.Harmon@usdoj.gov

# CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2007, I electronically filed the foregoing Memorandum Brief with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Joe M. Reed.** 

/s/John T. Harmon

John T. Harmon Assistant United States Attorney

#### UNITED STATES DISTRICT COURT

FOR THE

#### MIDDLE DISTRICT OF ALABAMA

JACQUARD MERRITT,	) ) )
Plaintiff,	) ) )
V .	) Case No. 2:07-cv-627-WKW
DRUG ENFORCEMENT ADMINISTRATION,	) ) )
Defendant.	) ) )

# DECLARATION OF JOHN HIERONYMUS

- 1. I, John Hieronymus, hereby declare that I am the Forfeiture Counsel of the Drug Enforcement Administration (DEA), United States Department of Justice, and in that capacity supervise forfeiture activities within the DEA.
- 2. I affirm that, in the course of my official duties as Forfeiture Counsel of the DEA, I supervise and monitor the forfeiture activities of DEA field offices and receive reports and inquiries from those field offices regarding all facets of forfeiture matters.

- 3. I declare that material related to the property, which is the subject matter of the above-captioned action, is contained in one (1) file of my office.
- 4. The file, captioned as DEA Case No. KI-06-0058 and Asset Identification (I.D.) No. 06-DEA-471966, contains the following information:
- \$8,000.00 U.S. Currency seized from Jacquard Merritt on July 28, 2006, in Montgomery, Alabama. On August 23, 2006, the DEA Field Office in Montgomery, Alabama adopted this seizure and subsequently prepared and submitted a forfeiture report to this office. An attorney or paralegal reviewed this report to determine if the DEA field office provided adequate information to support administrative forfeiture proceedings against the property. This procedure included a legal review of the evidence that existed to seize the \$8,000.00 U.S. Currency. Based on this thorough review, the DEA accepted this case for administrative forfeiture.
- (b) On September 20, 2006, pursuant to Title 19, United States Code (U.S.C.), Section 1607(a) and Title 18, U.S.C., Section 983(a), the DEA sent written notice of this seizure by certified mail, return receipt requested, to Jacquard Merritt, 508 Oakbrook Drive, Montgomery, AL 36104 (Exhibit 1). On September 25, 2006, an individual signing in the "Signature" block accepted delivery of this notice (Exhibit 2).
  - (c) On September 20, 2006, pursuant to Title 19,

- U.S.C., Section 1607(a) and Title 18, U.S.C., Section 983(a), the DEA sent written notice of this seizure by certified mail, return receipt requested, to Jacquard Merritt, Prisoner ID No. NONE, Montgomery City Jail, 320 N. Ripley Street, Montgomery, AL 36104 (Exhibit 3). The U.S. Postal Service returned the notice to DEA stamped "RETURN TO SENDER. NOT AT THIS ADDRESS" (Exhibit 4).
- (d) On September 20, 2006, pursuant to Title 19, U.S.C., Section 1607(a) and Title 18, U.S.C., Section 983(a), the DEA sent written notice of this seizure by certified mail, return receipt requested, to Jacquard Merritt, c/o Joe Reed Jr./Esq., 524 South Union Street, Montgomery, AL 36104 (Exhibit 5). On September 25, 2006, an individual signing in the "Signature" block accepted delivery of this notice (Exhibit 6).
- (e) Pursuant to Title 19, U.S.C., Section 1607(a) and Title 21, Code of Federal Regulations (C.F.R.), Section 1316.75, the seizure of the property was published in THE WALL STREET

  JOURNAL, a newspaper of general circulation in the Middle

  District of Alabama (Exhibit 7). The notice was published once each week for three successive weeks: October 9, 16, and 23, 2006. The published and mailed notices explained the option of filing a claim with the DEA Forfeiture Counsel in order to contest the forfeiture action in United States District Court.

  Pursuant to Title 18, U.S.C., Section 983(a)(2)(B), the published and mailed notices also stated that the deadline to file a claim was October 25, 2006, or if the mailed notice was not received, November 23, 2006. In addition, the published and mailed notices

explained the option of filing a petition for remission or mitigation.

- (f) On October 30, 2006, the DEA received a claim for seized property and petition for remission or mitigation from Jacquard Merritt through Joe M. Reed, Esq., Faulk & Reed LLP, 524 South Union Street, Montgomery, AL 36104 (Exhibit 8).
- (g) On November 8, 2006, the DEA rejected the claim as untimely. A letter, sent by certified mail, return receipt requested, notified Jacquard Merritt, c/o Joe M. Reed, Esq., Faulk & Reed, L.L.P., Attorneys at Law, 524 South Union Street, Montgomery, AL 36104, of this decision (Exhibit 9). On November 20, 2006, an individual signing in the "Signature" block accepted delivery of this letter (Exhibit 10).
- (h) On January 30, 2007, after there had not been any properly executed claim received, and after the time limit for filing said claim expired, the DEA forfeited the \$8,000.00 U.S. Currency to the United States pursuant to Title 19, U.S.C., Section 1609 (Exhibit 11).
- (i) On February 7, 2007, the DEA denied the petition for remission or mitigation of Jacquard Merritt. A letter, sent by certified mail, return receipt requested, notified Joe M. Reed, Attorney at Law, 524 South Union Street, Montgomery, AL 36104, of this decision and of the option to file a request for reconsideration of the decision to deny the petition pursuant to Title 28, C.F.R., Section 9.3(j) (Exhibit 12). On February 16, 2007, an individual signing in the "Signature" block accepted delivery of this letter (Exhibit 13).

- (j) On March 2, 2007, the DEA received a request to reconsider the decision to deny the petition for remission or mitigation of Jacquard Merritt from Winn Faulk, Esq., Faulk & Reed LLP, 524 South Union Street, Montgomery, AL 36104 (Exhibit 14).
- (k) On May 3, 2007, the DEA denied the request for reconsideration. A letter, sent by certified mail, return receipt requested, notified Joe M. Reed, Attorney at Law, 524 South Union Street, Montgomery, AL 36104, of this decision (Exhibit 15). On May 7, 2007, an individual signing in the "Signature" block accepted delivery of this letter (Exhibit 16).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this \_/4# day of August 2007.

Thin Hieronymus
Forfeiture Counsel
Asset Forfeiture Section (OML)
Drug Enforcement Administration
HQs Forfeiture Response
P. O. Box 1475
Ouantico, VA 22134-1475

Attachments: Exhibits 1-16



# U.S. DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION

Jaquard Merritt 508 Oakbrook Drive Montgomery, AL 36104 Asset Id: 06-DEA-471966 Case Number: KI-06-0058

**Property:** \$8,000.00 U.S. Currency **Asset Value:** \$8,000.00

Seizure Date: 08/23/2006
Seizure Place: Montgomery, AL
Owner Name: Merritt, Jaquard
Seized From: Merritt, Jacquard

Judicial District: Middle District of Alabama

NOTICE MAILING DATE: September 20, 2006

#### NOTICE OF SEIZURE

The above-described property was seized by Special Agents of the Drug Enforcement Administration (DEA) for forfeiture pursuant to Title 21, United States Code (U.S.C.), Section 881, because the property was used or acquired as a result of a violation of the Controlled Substances Act (Title 21, U.S.C., Sections 801 et seq.). The seizure date and place, as well as other pertinent information regarding the property are listed above.

Pursuant to Title 18, U.S.C., Section 983 and Title 19, U.S.C., Sections 1602-1619, procedures to administratively forfeit this property are underway. You may petition the DEA for return of the property or your interest in the property (remission or mitigation), and/or you may contest the seizure and forfeiture of the property in Federal court. You should review the following procedures very carefully.

#### TO REQUEST REMISSION OR MITIGATION OF FORFEITURE

If you want to request the remission (pardon) or mitigation of the forfeiture, you must file a petition for remission or mitigation with the Forfeiture Counsel of the DEA within thirty (30) days of your receipt of this notice. The petition must include proof of your interest in the property and state the facts and circumstances which you believe justify remission or mitigation. The regulations governing the petition process are set forth in Title 28, Code of Federal Regulations, Part 9.

#### TO CONTEST THE FORFEITURE

In addition to, or in lieu of petitioning for remission or mitigation, you may contest the forfeiture of the seized property in UNITED STATES DISTRICT COURT. To do so, you must file a claim with the Forfciture Counsel of the DEA by October 25, 2006. The claim need not be made in any particular form (Title 18, U.S.C., Section 983(a)(2)(D)). The claim shall identify the specific property being claimed; state the claimant's interest in such property; and be made under oath, subject to penalty of perjury (Title 18, U.S.C., Section 983(a)(2)(C)). A frivolous claim may subject the claimant to a civil fine in an amount equal to ten (10) percent of the value of the forfeited property, but in no event will the fine be less than \$250 or greater than \$5,000 (Title 18, U.S.C., Section 983(h)). Upon the filing of a claim under Title 18, U.S.C., Section 983(a), a claimant may request, pursuant to Section 983(f), release of the seized property during the pendency of

the forfeiture proceeding due to hardship. Requests must be sent to the Forfeiture Counsel of the DEA. The following property is not eligible for hardship release: contraband, currency, or other monetary instruments or electronic funds unless the property constitutes the assets of a legitimate business which has been seized; property to be used as evidence of a violation of the law; property, by reason of design or other characteristic, particularly suited for use in illegal activities; and property likely to be used to commit additional criminal acts if returned to the claimant. If you wish to contest the forfeiture of the asset, you must comply with the procedures set forth herein. Your failure to do so will result in the termination of your interest in the asset, and may preclude your contesting the forfeiture of the asset in any judicial proceeding - either civil or criminal - even if such a proceeding has already been commenced or is commenced in the future.

#### WHERE TO FILE CORRESPONDENCE

All submissions must be filed with the Forfeiture Counsel, Asset Forfeiture Section, Office of Operations Management, Drug Enforcement Administration, IIQs Forfeiture Response, P.O. Box 1475, Quantico, Virginia 22134-1475. Correspondence sent via private delivery must be filed with the Forfeiture Counsel, Asset Forfeiture Section, Office of Operations Management, Drug Enforcement Administration, 2401 Jefferson Davis Highway, Alexandria, VA 22301. A PETITION, CLAIM, OR OTHER CORRESPONDENCE SHALL BE DEEMED FILED WITH THE FORFEITURE COUNSEL, ASSET FORFEITURE SECTION, WHEN RECEIVED BY THE DEA AT EITHER OF THE ADDRESSES NOTED ABOVE. SUBMISSIONS BY FACSIMILE OR OTHER ELECTRONIC MEANS WILL NOT BE ACCEPTED. The Asset ID referenced above should be used with all submissions. Failure to include the Asset ID may cause a delay in processing your submission(s).

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**EXHIBIT** 



# U.S. DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION

Jaquard Merritt, Prisoner ID No. NONE Montgomery City Jail 320 N. Ripley Street Montgomery, AL 36104 Asset Id: 06-DEA-471966 Case Number: KI-06-0058

Property: \$8,000.00 U.S. Currency Asset Value: \$8,000.00

Seizure Date: 08/23/2006
Seizure Place: Montgomery, AL
Owner Name: Merritt, Jaquard
Seized From: Merritt, Jacquard

Judicial District: Middle District of Alabama

NOTICE MAILING DATE: September 20, 2006

#### NOTICE OF SEIZURE

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Pursuant to Title 18, U.S.C., Section 983 and Title 19, U.S.C., Sections 1602-1619, procedures to administratively forfeit this property are underway. You may petition the DEA for return of the property or your interest in the property (remission or mitigation), and/or you may contest the scizure and forfeiture of the property in Federal court. You should review the following procedures very carefully.

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#### TO CONTEST THE FORFEITURE

In addition to, or in lieu of petitioning for remission or mitigation, you may contest the forfeiture of the seized property in UNITED STATES DISTRICT COURT. To do so, you must file a claim with the Forfeiture Counsel of the DEA by October 25, 2006. The claim need not be made in any particular form (Title 18, U.S.C., Section 983(a)(2)(D)). The claim shall identify the specific property being claimed; state the claimant's interest in such property; and be made under oath, subject to penalty of perjury (Title 18, U.S.C., Section 983(a)(2)(C)). A frivolous claim may subject the claimant to a civil fine in an amount equal to ten (10) percent of the value of the forfeited property, but in no event will the fine be less than \$250 or greater than \$5,000 (Title 18, U.S.C., Section 983(h)). Upon the filing of a claim under Title 18, U.S.C., Section 983(f), release of the seized property during the pendency of

the forfeiture proceeding due to hardship. Requests must be sent to the Forfeiture Counsel of the DEA. The following property is not eligible for hardship release: contraband, currency, or other monetary instruments or electronic funds unless the property constitutes the assets of a legitimate business which has been seized; property to be used as evidence of a violation of the law; property, by reason of design or other characteristic, particularly suited for use in illegal activities; and property likely to be used to commit additional criminal acts if returned to the claimant. If you wish to contest the forfeiture of the asset, you must comply with the procedures set forth herein. Your failure to do so will result in the termination of your interest in the asset, and may preclude your contesting the forfeiture of the asset in any judicial proceeding - either civil or eriminal - even if such a proceeding has already been commenced or is commenced in the future.

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EXHIBIT

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COMPLETE THIS SECTION ON DELIVERY

SENDER: COMPLETE THIS SECTION

EXHIBIT

See 4

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#### TO CONTEST THE FORFEITURE

In addition to, or in lieu of petitioning for remission or mitigation, you may contest the forfeiture of the seized property in UNITED STATES DISTRICT COURT. To do so, you must file a claim with the Forfeiture Counsel of the DEA by October 25, 2006. The claim need not be made in any particular form (Title 18, U.S.C., Section 983(a)(2)(D)). The claim shall identify the specific property being claimed; state the claimant's interest in such property; and be made under oath, subject to penalty of perjury (Title 18, U.S.C., Section 983(a)(2)(C)). A frivolous claim may subject the claimant to a civil fine in an amount equal to ten (10) percent of the value of the forfeited property, but in no event will the fine be less than \$250 or greater than \$5,000 (Title 18, U.S.C., Section 983(h)). Upon the filing of a claim under Title 18, U.S.C., Section 983(a), a claimant may request, pursuant to Section 983(f), release of the seized property during the pendency of

the forfeiture proceeding due to hardship. Requests must be sent to the Forfeiture Counsel of the DEA. The following property is not eligible for hardship release: contraband, currency, or other monetary instruments or electronic funds unless the property constitutes the assets of a legitimate business which has been seized; property to be used as evidence of a violation of the law; property, by reason of design or other characteristic, particularly suited for use in illegal activities; and property likely to be used to commit additional criminal acts if returned to the elaimant. If you wish to contest the forfeiture of the asset, you must comply with the procedures set forth herein. Your failure to do so will result in the termination of your interest in the asset, and may preclude your contesting the forfeiture of the asset in any judicial proceeding - either civil or criminal - even if such a proceeding has already been commenced or is commenced in the future.

#### WHERE TO FILE CORRESPONDENCE

All submissions must be filed with the Forfeiture Counsel, Asset Forfeiture Section, Office of Operations Management, Drug Enforcement Administration, HQs Forfeiture Response, P.O. Box 1475, Quantico, Virginia 22134-1475. Correspondence sent via private delivery must be filed with the Forfeiture Counsel, Asset Forfeiture Section, Office of Operations Management, Drug Enforcement Administration, 2401 Jefferson Davis Highway, Alexandria, VA 22301. A PETITION, CLAIM, OR OTHER CORRESPONDENCE SHALL BE DEEMED FILED WITH THE FORFEITURE COUNSEL, ASSET FORFEITURE SECTION, WHEN RECEIVED BY THE DEA AT EITHER OF THE ADDRESSES NOTED ABOVE. SUBMISSIONS BY FACSIMILE OR OTHER ELECTRONIC MEANS WILL NOT BE ACCEPTED. The Asset ID referenced above should be used with all submissions. Failure to include the Asset ID may cause a delay in processing your submission(s).

EXHIBIT Suppose 5

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
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PS Form 3811, February 2004 Domestic Retu	ırn Receipt 102595-02-M-1540

**EXHIBIT** 

# **♦ Public Notices ♦**

### **LEGAL NOTICE** ATTENTION

The Drug Enforcement Administration (DEA), U.S. Department of Justice, gives notice that the property listed below was seized for forfeiture pursuant to Title 21, United States Code (U.S.C.), Section 881, because the property was remission or mitigation of the forfeiture with the Forfeiture Counsel. Asset Forfeiture Section, Office of Domestic Operations, Drug Enforcement Administration, HOs Forfeiture Response, P.O. Box 1475, Quantico, Virginia 22134-14 Correspondence sent via private delivery must be sent to Asset Forfeiture Section, Office of Domestic Operations, Drug Enforcement Administration, 2401 Jefferson Davis Highway, Alexandria, Virginia 22301, In addition to vir in lieu of the Forfeiture Counsel of the DEA pursuant to Title 18, U.S.C., Section 983(a), Upon the filing of a claim under Title 18, U.S.C., Section 983(a), a claimant may request, pursuant to Section 983(b), release of the selection of the Section Positive Section Positive

FIRST NOTICE LAST DATE TO FILE NOVEMBER 23, 2006 PLACE SEIZED, SEIZED FROM. DATE SEIZED

MIDDLE DISTRICT OF ALABAMA
06-DEA-471680, S5.152 00 U.S. Currency,
Montgomery, AL, Jones, Harry Edward, 08/08/06
06-DEA-471966, \$8.000.00 U.S. Currency. vo-uea-4/1965, \$8,000.00 U.S. Currency, Montgomery, At, Mernti, Jacquard, 08/23/06 05-DEA-4/22/94, \$5,370.00 U.S. Currency, Montgomery, AL, Davidson, Cedric Lee, 08/24/06 06-DEA-4/2484, \$15,700.00 U.S. Currency, Montgomery, AL, Morris Subsetter 08/28/96 06-DEA-47/2494, \$7,00.00 U.S. Currency, Montgomery, Al, Morris, Sylvester, 08/28/06 06-DEA-47/2511, \$5,000.00 U.S. Currency, Montgomery, Al, Hartwell, Phillip, 08/30/06 NORTHERN DISTRICT OF ALBAMA 06-DEA-47/1955, \$4,340.00 U.S. Currency, Jasper, Al. Garner, Charles, 08/23/06 06-DEA-472071, \$13.024.40 U.S. Currency,

Bessemer, AL. Abdulahe, Jamal, 08/23/06 06-DEA-472342, 1998 Ford Explorer, 1FMZU32E7WZB76646, Hoover, AL, Romero Ricardo, 08/22/06 EASTERN DISTRICT OF ARKANSAS 06-DEA-472141, 1998 Lincoln Navigator, 5LMPU28L1WLJ61700, Jacksonville. AR. Ellis, Lavar,

WESTERN DISTRICT OF ARKANSAS 06-DEA-472425. \$32,000.00 U.S. Currency. Fayetteville, AR, Hodge, David, 08/31/06 DISTRICT OF ARIZONA 06-DEA-471042, \$73,178.39 U.S.Currency in lieu of 11013 W. Palm Lane, Avondale, AZ. Medina, Leticia,

06-DEA-472072, (2) Assorted Weapons, VL: \$285.00, (1) Remington Bille Model 7400, ,270 Caliber, Ser No

884/9604; (1) Ruger Revolver 22 Caliber, ver Nov Model Single-Six, Ser No 68-01230, Phoenix, AZ, Rochin-Barrza, Dora, 08/22/06 06-DEA-472102, \$70,200.00 U.S. Currency, Phoenix,

06-DEA-472102, \$70,200.00 U.S. Currency, Phoenix, AZ. Ruchin-Barrza, Dora, 082206 G-DEA-472103, 2002 Cadillac Escalade, 1GYEK6SN22R103214, Phoenix, AZ. Chavez-Burgos, Blanca Estela, 478 Cadillac Estalace, 082206 G-DEA-472105, 2006 Dodge Charger R7. 283KA53H76H222920, Phoenix, AZ. Chavez-Burgos, Blanca Estela, 478 Chavez-Burgos, Blanca Estela, 082206 G-DEA-472107, Ruger P34 - 40 Caliber Semi-Automatic Rstol. Ser No 34134484, VL: \$185.00, Phoenix, AZ. Valdenegro, Irnelta Guadalupe, 08/11/06 G-DEA-472202. Springheld Armory PX-40 Handgun with two Magazines and Holster, Ser No US 471361 VL: \$50.00 Tucsor, AZ. De La Hiva, Manuel Abelardo, 08/81/06

CENTRAL DISTRICT OF CALIFORNIA 06-DEA-471982, 2001 Mercedes S55 AMG WDBNG73J01A204600, Costa Mesa, CA, Torres

Elipholet, 08/17/06 06-DEA-471985, Washington Mutual Bank, Account #0934703680, VL. \$6.000.00, Hawthome, CA, Wright, Lloyd Gartield, 08/17/06 06-DEA-471986, 2007 Cadiffac Escalade AWD SUV. IGYFK63847B154705, Santa Ana, CA. Barajas Torres

06-DEA-471989, 2006 Mercedes S600

us-up-A-4/1989, 2006 Mercedos S600 WDRN/CR608461551. Costa Mesa, CA. Torres, Flipheld, 08:17:06 08-Dc-A-71991. 2000 International 19409 Teactor, PSCNAMRYY0079434, Costa Mesa, CA. Vazquez-Torres, Gladro, 08:13:06 06-Dc-A-71992, 2005 Limple Medi E. Torres

iories - Gradou, dor 13 de 06-DE A-471992, 2006 Limpoln Mark LT Truck. 5LTPW19855F-U6613, Sanita Ana, CA. Barajas Torres. Eledia, 08:17:06

Elodia, 08:17:06 06-DEA-471994, 2006 Featherlife Horse Trailer. BLOWN 09 THOSE Trailet.
4FGB 128/EC090067. La Puente, CA. Accivedo. Jorge and Sandway, Parión. 80 17/06
66-DEA-172198, 3471-398 00 U.S. Currency Alpine.
CA, Contreras Jose Luis. 08:29:06
06-DEA-172175. 33:00:00 U.S. Currency. South
Gale. CA. Genzales. Cibedo. 16:17/66
06-DEA-172175. 3478-329:00 U.S. Currency. Funtana,
CA. Cezarez. Luis Alberto. 08:17/06
06-DEA-172175. 3478-329:00 U.S. Currency. Sonta Ana.
CA. Cezarez. Luis Alberto. 08:17/06
06-DEA-172215. 55:820:00 U.S. Currency. Sonta Ana.
CA. Barajas Torres. Edado. 08:13/06
06-DEA-472216. 55:820:00 U.S. Currency. Santa Ana.
CA. Vasyuez-Torres. Gádado 08:13/06
06-DEA-472314, 2006 Chevrolet Malibu.
1G1215:17:E7164469. Fonta at. CA. Cazarez. Luis.
Alberty. Ystans. 06:17/05

Alberto Ybarra, 98 17:05 06-DEA-472323, \$13,160.00 U.S. Currency, Studio

06-DEA-472828, 51-518-08 U.S. Currency Sudo Cay, CA. Kr., Kinsta Patterson, 98 17:06 06-DEA-472824, \$2 572:00 U.S. Currency, Aorth H-illyword, CA. Krim Krista Fatterson, 98 17:05 06-DEA-472826, Wells Fargy, Bank, Account #8041-27:07 V.S. 54:09-93 Chesh Mesa, CA. Et Vabuero Family Hystaurant, 06:21 CE.

06-DEA-472327, Washynoton Mutual Bank Account 00-0CA-972321, Vashrington monator Britis Account Fe0211 (2002)294007 VI SSR 335 82 Cona Mesa CA, Torras, Abraham 08:21 06 06-0EA-472329, Wellir Engin Barik, Ascount #2015 711501 VI S 101 920 22 Chista Mesa CA, El Vaquer (Entoris Inc. 63 21:08

06-DF A-472330. Bar k of America. Account #4511-\$456.20 Senta Ana, CA, Torres, Elodia

Torque 1972 9

06-DEA-472347, Washington Mutual Bank Account
#05860000609189 Vt. \$7,559.42 Cona Mesa, CA

Torres, Abraham, 06.21.06

06-DEA-472351, Wells Fargo, Bank, Acquirt #4966-

66, Custa Mesa, CA Torres.

06-DEA-472352, \$120,340,00 U.S. Curency, San Fedril CA. Lietorest, Demari AKA Delirest, Carrian.

Washington, DC. Parker Jr., John, 08/21/06 MIDDLE DISTRICT OF FLORIDA 06-DEA-472070. HP Pavillion DV1000, Ser No

us-DE-A-7/20/VI. Hr Palvillo DV 1000, Set No CNF516971. VI. S1 299.99, Orlando, FL, Paguel, Yann Gwenael. 08:11/106 GD-DE-A-7/2089. (4) Miscellaneous Electronic Equipment. VI. S3.84.200, (1) Polaroid FLM-3788 37: LCD. Set No D060/18194/0902712; (1) 186.267 High Definition TV. Set No BHC01233315375; (1) 80.327 Definition IV. 3er No BHC23331331. (†) 10 3c. Widescreen LCD HDTV, Ser No BEH52130933T4. (†) HP Compaq Presano Notebook V2575US CTO V2000, Ser No CNF541294B, Orlando, FL. Mateo Jr., Santiago and Moss, Abraham and Tubbs, Bobby Jaymon,

06-DEA-472337, \$4,280.00 U.S. Currency, Orlando, Ft., Sierra-Daly, Christian, 08/23/06 06-DEA-472339, 1992 Chevrolet Corvette Coupe, 1G1YY23P5N5116667, Orlando, Ft., Reyes, David,

NORTHERN DISTRICT OF FLORIDA NORTHERN DISTRICT OF FLORIDA

6-0EA-471973, S40 6250 OLS. Currency, Marianna
FL. Elizondo, Rene Melquizo and Lopez, Steven Paul
and Rodriguez, Vincent Steve, 08/2006

60-DEA-47234, 1997 Toyota Camiry XLE.

4T1BG22K4VU798710, Tallahassee, FL, Benneti III. Richard, 08/25/06

SOUTHERN DISTRICT OF FLORIDA Od-DEA-461589, 2000 41' Silverton Yacht Vessel "Jennyfer". Ser No STND0248800037C, Mami, FL, Boyer, Andre Alex, 12/28/05 06-DEA-471278, \$7,795,00 U.S. Currency, Mami, FL,

Dang, Huy Hoang, 08/02/06
06-DEA-472380, 2000 Mercedes-Benz S-500, WDBNG75,17/A041449, Miami, FL. Tran, Phong

MIDDLE DISTRICT OF GEORGIA GA. Puello, Abdel Arriv and Silva-Martinez. Roberto Ennque AKA Andujar. Christian Roberto, 08/09/06 06-DEA-472278, 2000 Nissan Frontier. N6ED26Y8YC360014, Valdosta, GA, Dominguez,

e Isabel Penatoza, 09/21/06 Os-DEA-472428, S8.641 90 U.S. Currency, Byron. GA. Thornas, Eugene William AKA Jarnes Jr. Robert Lee. 08/30/06 \*\* NORTHERN DISTRICT OF GEORGIA

06-DEA-471959. Bank of America. Cashiers Check #0453099. VL: \$99.506.15, Lilburn, GA. Freeman Tonny Lee, 08/18/06 06-DEA-472208, S943.45 U.S. Currency, Duluth, GA.

16-DEA-472206. 3218/05
06-DEA-472269. S229 736 00 U.S. Currency.
Necross, GA. The Estate of Unite-Morales, Luis and Leviva-Portillo, Flordatma and Burgos-Unieta. Sinuhe

06-BEA-472427, \$1,454,90 U.S. Currency, Allanta, GA, Scott, Michael and Jordan, Maxsmillion, 08:30'06 06-DEA-472440, \$1,082,00'U.S. Currency, Allanta. GA, Jordan, Maxsmillion, 08/30/06 06-DEA-472441, \$1,200.00 U.S. Currency, Atlanta.

06-DEA-47241, 1220.00 U.S. Currency, Atlanta. GA, Scott, Michael, 89/30/06 06-DEA-472494, 1998 Mercury Villager Mirs Van, 44/2/2/119WDJ550/26, Bullord GA Valencia-Para, Jee sis Alejando AKA Medina, Ennique Rodriguez AKA Medina, Errinque Rodriguez AKA Rodriguez, Enrique, conscious

06-DEA-472527, \$1,159.00 U.S. Currency Atlanta.

GA, Mora-Ramirez, Antono, 08-25-06 06-DEA-472565, 20X6 Yamaha VX110 Waverunner, Ser No YAMA11001506 Gainesvive, GA, Grentera.

Ser No ProMot Lord Rece Garneswe, GA, Grenlend, Artino, 031705 DISTRICT OF HAWAII DISTRICT OF HAWAII H. Forester, Bichard (1974/106) G-DEA-472638, S195,990 00 U.S. Currency, Henolus, H., Kauvaka, John, 0333 06 SOUTHERN DISTRICT OF IOWA Retfield, 1A, Ingram, Nigel Cartield and Thomas.

NORTHERN DISTRICT OF ILLINOIS NODE HERN DISTRICT OF ILLINOIS 06-DEA:471836, 1995 Honda Accord 1HGCD7259SA031152, La Grange, IL, Campos, Gualberto Angel, 07:13/06 06-DEA-471839, 2004 Cheurotet Trailblazer

GNCT13S242302578, Aurera, L. Campos Gualberto 06-DEA-472204. \$7.500 U.S. Gurrency, Midlothian

IL. Adenipebr, Adeyemi Akaribi, 08 16/06 06-DEA-472212, \$193,430,00 U.S. Currency, Chicago, 06-0EA-4722(2.5162-39x00-05-0bmency, Chicago IL, Montalov, Auth. 68-710-05-0 9-06-0EA-472406, 2005 GMC 2599 with fifth wheel hauter 10DUN-42285-155921, Lansing, IL, Sebastian ST, Victor 68-1309 06-0EA-472418, 2004 Hissan Tilan Flox-up

N64A06414N502605 Chicago Ic Villa, Juan

SOUTHERN DISTRICT OF ILLINOIS 06-DEA-472378, 2001 Ford Ranger XLT 4X4, 15TZS155717A89261, Township 136≠ 66 - L. Adams Bichard T. 03107106

NORTHERN DISTRICT OF INDIANA 06-DEA-471769, 2161 Suzuki GXR 1000ch Motorcycle, JS1GW7148121024J3, Fort Wayne, IN 96-DEA-471826, 1997 GMC Siena 1500 Pickup, 2GTEK19R9v1555385 Fort Wayne, IN Toli Jr. Leatha.

06-DEA-471838, \$2.026 JO U.S. Currency. 06-DEA-471844, S5.000.00 U.S. Current Mishawaka, N. Wingush, Antwone, 08 1 Mishawaka, 11 Windoshi Antwone, 08 06-DEA-471846, 1978 Buick LeSabro

MD, Olliverre, Cassius L., 08/09/06 06-DEA-472108, Panasonic Plasma HDTV, Ser No. YH4360142, VL: \$4,500.00, Bowle, MD, Phillips, Kenya Jamar, 08/11/06

06-DEA-472120, S4,570.00 U.S. Currency, Germanlown, MD, Grey, Byron Anthony, 08/16/06 06-DEA-472379, Wachovia Bank, Account #4538-9018-1; VL: \$25,378.68. Bowie, MD, Joachin, Odessy Bonald 08/21/06

DISTRICT OF MINNESOTA 06-DEA-471913, \$12,042.00 U.S. Currency, Spring Lake Park, MN, Olchefski, Sara Ann. 08/14/06 06-DEA-471953, \$50,100.00 U.S. Currency, Newport.

MN, Salinas, Omar, 08/16/06 06-DEA-472060, 1987 Chevrolet 4x4 Pickup Truck, 1GCEV14H0HF334907, Eagan, MN. Salinas-Alarco Jorge Armando, 08/16/06

06-DEA-472082, 1973 Ford Mustang Convertible, 3F03F255406. Eagan, MN. Salinas-Alarcon, Jorge 08/16/06

Armando, 08/16/06
06-DEA-472178, \$15,228 00 U.S Currency, Stillwater,
MN, Vargas-Luvina, Gregorio, 08/28/06
06-DEA-472226, 2001 Yamaha Banshee, Ser No
JY43GG0301A015152, Eagan, MN, Salinas-Alarcon.

JY43(G0301A015152, Eagan, MN, Salmas-Alarcon, Jorge Armando, 0816/06
06-DEA-472297, 2003 Yarnaha Raptor, Ser No JY44M01Y32002718, Eagan, MN, Salmas-Alarcon, Jorge Armando, 08/16/06
06-DEA-472301, Newman Sied-Bed Trailer, Ser No 12003730, Eagan, MN, Salimas-Alarcon, Jorge Armando, 08/16/06
06-DEA-472348, Trion Watercraft Trailer, Ser No A971788, Newport, MN, Salmas, Omar Alejandro, 08/16/06

EASTERN DISTRICT OF MISSOUR 06-DEA-461508, \$2,981.00 U.S. Currency, St. Louis. MO, Cox, Corey, 12/15/05 06-DEA-461642, \$1.462 00 U.S. Currency, Charlack,

MO, Hammonds. Courtney, 12/19/05 06-DEA-461917, \$21.250.00 U.S. Currency, St. Louis, MO. Cavis, Claude Jesse 12/20/05 06-DEA-471872, 2000 Lincoln Town Car VIN-1LMH/IS/2W7Y8/25890, Maryland Heights, MO, Love.

06-DEA-471865, \$109,000.00 U.S. Currency, Maryland Heights, MO, Love, Tyleta, 08:16:06 06-DEA-471903, S5,000.00 U.S. Currency, St. Louis,

NO. Jones, Jessio. 08/14/06 06-DEA-472229, 5796 875.00 U.S. Currency. St Louis MO. Settle, Kelvin, 08/10/06 WESTERN DISTRICT OF MISSOURI

VESTERN DISTRICT OF MISSOURIE 06-DEA47174, \$59,420.01 S. Currency, Camdenton, MO, Ammerman, Michael, 08.03.06 06-DEA47177, 1933 Stoughton Box Trailler, 1DW1AD328PS79965 Bates Crumly, MO, Avila Ruben and Courz, Amulfo, 08/08/06 06-DEA471817, 1996 FreeInther Semi-Tractor, 2FUPDXYBXTA456(473, Bates Courty, MO, Avila, Buben and Cours, Amulfo, 08/09/06

Ruben and Quiroz, Amulto, 08/08/06 NORTHERN DISTRICT OF MISSISSIPPI MS. Licton, Marcell, 05:02:06 SOUTHERN DISTRICT OF MISSISSIPPI

06-DEA-470046, S88.725-00 U.S. Currency, Raymond, MS, Garcia, Maximno Loredo, 66/27-06 06-DEA-470992, S49.959-00 U.S. Currency, Laurel,

MS, De La Fosa Vera, Fernando 10722-06 05-DEA-472116, 520,000-00 U.S. Currenzy, Gulfport, MS, Castelo, Issac Duran 18/14-06 06-DEA-472128, \$1,900.00 U.S. Currenzy, Biloxi, MS, Instantial Paides Hatel, 08/14-06 06/81/80

Impenal Paiace Hotel, 98'18
DISTRICT OF MONTANA 06-DEA-471929, \$12,345.00 U.S. Currency, Belgrade, MT, Jorgenson, Carl Hance and Jorgenson, Barbara, L., 08,22.06

EASTERN DISTRICT OF NORTH CAROLINA

05-DEA-472336, Assorted Weapons, VL S290,00, (1) Taurus PT-911 9mm Handgun, Ser No TRC83444; (1) Intratec TEC-9 9mm Handgun, Ser No removed, Wake Iritates, TEC-9 9mm Handguri, Ser No removed, Wake Forest, NC Vadar-Lope, 2 Vessile, 080000 06-DEA-472372, Assorted Weapors, VL \$285.00, [11 12 Gauge Mossberg Shidguri, Ser No L245526, [1] Tilan 25 Califor Pilot Ser NC 177467, Web Forest, NC, Humberto-Ahumada, Carlos AKA C. J., (8/24/06)

Pic. Humeerto-Anumada, Cartics AKR C. J. 1, 6972-476 69-DEA-AY2357, Assorted Wespors, VI. S200-90 (1) Springhetd Model 18: 410 Shotpun, Ser No B086274, 11: Clenheld Medie 60, 22 Rille, Ser No 23611872, Kinglindale, N.C., Gracia, Cacilio Borbica, 0824/06 08-DEA-AY2383, 1995 Chevrolet Motor Home, 10GRE/97/NS380675, Wake Forest, N.C., Sinclair Bertram J. 16:23-06

Bortham J 65/20/6 06-DEA-472401, 1999 Jisep Cheroker. 1340/V8558VC535816, Wake Forest, NC / Adira-topez Tisesna, 86/24/6 05-DEA-472413, 1997 BMW 74/4, WBAGU832-VELM05644, Ratergh, NC, Sanchez-Almaraz, Fernandi, 03/79/64

Almara, Fernandi, 19,73/06 MIDDLE DISTRICT OF NORTH CAROLINA 06-DEA/472245, \$7,025.06 U.S. Currency, Santord, 10, Hooker, Effor Lasandrus, 38,25.96 06-DEA/47220, \$2.97.27 U.S. Currency, Winsten Selsm, N.C. Nesnich, L. John Wayne, 68,31,96 Selem NC Nesnith at John W. 06-DEA-472335, 2002 Velvo S80 49026 Durham NC Powell Reards

06-DEA-472365, \$2,10970 U.S. Currenzy Salispery IRC, Brooks, Johnathan Cole, 18:31 (6) WESTERN DISTRICT OF NORTH CAROLINA 06-DEA-472302, \$2,007 TO U.S. Currenty Henderschalke NC, Frads-Sand, Lat. Ciana Hertenda 68-12706

06-DEA-472340, S6,499 CG U.S. Currency, Horse Shoe, NC, Reyes-Moraes, Octavic AKA Nobares-

\$30.00, Burgettstown, PA, Orison, Anne, 08/10/06 DISTRICT OF RHODE ISLAND 06-DEA-468252, 1993 Mercedes Benz 300, WDBGA32E0PA115786, Newport, RI, Greene, Tiante AKA Four Pound, 05/16/06 06-DEA-471908. \$11,900 U.S. Currency, Warwick, RI, Barros, Jonathan, 08/23/06 DISTRICT OF SOUTH CAROLINA

DIST HIGT OF SOUTH CAROLINA

GEO-DEA-471936, \$16,060.00 U.S. Currency, Greer,
SC, Freeman, Betty and Freeman, Shenika, 08/18/06

06-DEA-472007, Ruger Model 10:22, 22 Caliber Fille,
Ser No 232, 16891, Lügoff, Sc. VU; \$50.00, EspinozaGarcia, Kenika and Luis Delgado, Israel, 08/15/06 06-DEA-472084, \$27,610.00 U.S. Currency, Green,

06-DEA-472064, \$27.610.00 J.S. Chrieficy, Green, SC, Mesa-Lopez, Albeiro De Jesus and Baltazar-Jimenez, Juan Jose, 08/18/06 06-DEA-472090, One 26" ILO LCD HD Television, VL: \$27,610.00, Ser No BJC6Z0103933T5, Greer, SC Mesa-Lopez, Albeiro De Jesus and Baltazar-Jimenez, 08/18/06

06-DEA-472092, \$34,625.00 U.S. Currer Greenville, SC, Freeman, Tonny Lee, 08/26/06 06-DEA-472095, \$32,464.00 U.S. Currency, Duncan, SC, Dogan, Eric Marquan, 08/18/06 06-DEA-472225, \$30,400,00 U.S. Currency, St. George, SC, Ruiz, Miguel and Artiaga Jr., Joe,

George, SC, Huiz, wilguer and Hringa VII, 500 08/23/06 06-DEA-472248, \$112,020.00 U.S. Currency, Greenville, SC, Bennett Jr., Henry Peter, 08/28/06 MIDDLE DISTRICT OF TENNESSEE OG-DEA-72187, 2000 Mitsubishi Eclipse GT, 4A3AC84L4YE085175, LaVergne, TN, Valderrama-Gonzalez, Celso and Castenada-Navarro, Joaquin,

06-DEA-472191, 1994 Chevrolet Blazer, 1GNEK18K1RJ388592, Nashville, TN, Sisemore, Jack r, 08/15/06 A-472201, 1998 Isuzu NPR truck

JALB4B1KXW7000580, Nashville, TN, Najera, Martin, 06-DEA-472251, 2003 Nissan Sentra GXE

3N1CB51D03L792313, Nashville, TN, Martin, Abraham P. 08/15/06 06-DEA-472262, 2001 Honda Accord EX

1HGCG56641A074911, Nashville, TN, Woodward James J., 08/15/06 06-DFA-472263 1999 Toyota 4Brinner SB5

JT3HN86R0X0211755, Nashville, TN, Music, Blaine, 08/15/06 06-DEA-472277, 1997 BMW 328i, WBACD4323VAV53293, Nashville, TN, Law. John D. AKA Larr. John D. 08 15/06

WBALDHASAWYSARS, NASRWIRE, IN LAW, JOHN D. ARAK Larr, John D. 08 1506 06-DEA-472286, 58 256 00 U.S. Currency, Nashville, TN. Contrenas-Lopez, Angel, 88/15/06 06-DEA-472289, 52,490 00 U.S. Currency, Antioch, TN. Annaya. Rena Marthal, 08/15/06 06-DEA-472292, 529 120 00 U.S. Currency, LaVergno, TN. Valkurranas-Gonzalez, Colos and Castenana, Gonzalez, Colos and Casten TN. Valderrama-Gonzalez, Celso and Castaneda Navarro, Joaquin 08/15/06

Navarro, Joaquin 08/15/06
06-DEA-47230, S.1.577, 09 U.S. Currency, Smyrna, TN, Sanchez, Javier, 08/15/06
06-DEA-472421, S19 000 00 U.S. Currency, Mutrresboro, TN, Buller, Catherine M., 08/24/06
WESTERN DISTRICT OF TENNESSE 06-DEA-472309, \$2,920.00 U.S. Currency, Memohis,

08:06:06 06-DEA-472319, \$4,524 00 U.S. Currency, Memphis

TN, Cauthen, Prentis, 07'20:06 EASTERN DISTRICT OF TEXAS 04-DEA-436729. Miscellaneous Electronic Equipment with Accessories. VL: \$24,946.98. (1) Pioneer Shuttle X Mini PC. Ser No B75G00410D01965. (1) Hewlett

X Mini PC. Ser No B75000-110001955 (1) Hewlett Packard Pavilion Computer Tower, Ser No MXM34595W, (1) Toshba Satelhie P25 Laptop, Ser No MXM34595W, (1) Toshba Satelhie P25 Laptop, Ser No 28167560 3000666, (1) Palm Trop Wireless Radio, Ser No HATAD4052A1VV, (1) Toshba Satellife A45 Laptop, Ser No 2410/558H, (1) \*Usibio Batellife A45 Laptop, Ser No 2410/558H, (1) \*Usibio Batellife A45 Laptop, Ser No R4311804: (1) \*Custom built computer tower contained in a Codel-Master Wavemaser Case with Serrisong CD RVI drive, (1) Custom built computer triver contained in a Codel-Master Wavemaster Case with Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower with Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer tower strip Sony CD RVII of Lostom built computer strip Sony CD RVII with Sony CD RW, (1) Custom bull computer rower container on a CoderMaster Wavermaster Case with Samsung CD/RW: (1) Apple PoserMar GS Model A1047 with monitor and keyboard. Ser No. 591950613073; (1) Dell Computer Monitor. Ser No. CINGE24946833481 [24]. (1) Xerxx computer monitor Model XG-700, Ser Ne FLHZAX72300; (1) Apple web owners 141 CCD. F2 8; 50 mm to infinity. (1) Logitoch Bluetooth Di Novo keyboard + YRM42, ser #LZ434700598 with media pad 4YRH42, ser #LZ434800350. (1) Logitoch Buetooth wirelass mouse and charger model with Masta. Ser No. LZE34750956: with Sony CD RW. (1) Custom built computer tow

and charger model #M-RAB8: Ser No LZE34750956 and caregar mode with Habbar 5 km kit LZE-97 (0090).
In Sprint Wirdess PCS offance keyboard (17) Melgear
USE Router, Ser Ne US (1314/25/8099105; 11)
Microsoft keyb, ard, Ser No 591950/617073, Pfano,
TX, Slandy Aren, 65 (444)
06-DEA-471130, Sec (2010) 01.03, Currency,
Serving Microsoft (1800) 01.03, Currency,
Serving Micros

NORTHERN DISTRICT OF TEXAS 06-DEA-472719, \$12 675.05 L S Currency Darks

FX Fuenies Oscar CT 18 06 SOUTHERN DISTRICT OF TEXAS SOUTHERN DISTRICT OF TEXAS 05-DEA-458102, Smith & Wesson Model 3213TSW, Handoun Ser Nr. MSE7974, VL. 5490,00, Heuston, TX, Banda, Alberte, 03:14-05 06-DEA-471339, S-8 73/ 00 U.S. Curren

un-ue-A-7 (1894, SE-78) (G) U.S. Currency, Riscentum TV, Sarca, Angel Alberto, 35 (2006) 06-DEA-471404, 594 851 (G) U.S. Currency, Mission TX, Maninot, Edward 77 261(6) 06-DEA-471822, 1998 (Nobjec Curany), 1594-1526 (AWF20574), Lare to, TX, Fersa-Romero,

1FTSE34L33HA65821, Redwood City, CA, Liu, Wei Hua and Mai, Johnson, 08/11/06 06-DEA-471978, (8) Hydrofarm Ballasts and (8) Hydrolam Light Hoods, VL. \$2,568.00, Redwood City, CA. Mai, Johnson and Liu, Wei Hua, 08/11/06
06-DEA-472209, \$30,353.00 U.S. Currency, Petaluma, CA, Weiss, Gregory and Weiss, Tiare, 07/26/06 SOUTHERN DISTRICT OF CALIFORNIA

06-DEA-471135, \$1,175.00 U.S. Currency, San Diego, CA, Beocham, Charles Michael, 08/03/06 06-DEA-471155, 2005 Kawasaki UtilityATV, Mule3010, FD620DE376960, JK1AFCJ195B501003,

FD6200E376900, JRTA-CJT951501000, Winterhaven, CA, Ortiz, George Anthony, 07/15/06 06-DEA-471360, S6,483.00 U.S. Currency, Jamul, CA, Wermer, Paul George, 08/09/06 06-DEA-471527, \$770.00 U.S. Currency, San Clemente, CA, Felix-Manjarrez, Roberto, 08/10/06 06-DEA-471534, \$297.00 U.S. Currency, El Cajon, CA, Crana Michael Urian 07/17/16

Crane, Michael Julian, 07/17/06 06-DEA-471558, 2002 Ford Mustang Coupe, 1FAFP40442F178774, Pine Valley, CA, Myers, James

Grady, 08r10/06 06-DEA-471642, 1997 Ford Expedition, 1FMEU18W7VLA10633, El Centro, CA, Tagaban, José Luis 07/27/06

DISTRICT OF COLORADO
06-DEA-467706, \$132,135,00 U.S. Currency,
Wellington, CO, Le, Trung Van, 05/05/06
06-DEA-471784, \$9,500,00 U.S. Currency, Arvada, CO, Garcia, Abel Alejandro Ramirez AKA David AKA Castro-Garcia, Ulises, 08/15/06
DISTRICT OF CONNECTICUT
06-DEA-471580, 2002 Ford Explorer,
1FMZU72E22UA88618, West Haven, CT, Torres,

Edwin, 08/04/06

De-DEA-471590, Raven Arms. 25 caliber MP-25 Handgun, Ser No 861569, VL: \$60.00, New Haven, C.f., Mitchell, Leandre, 07/27/06 DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA
06-DE-AAT/1890, 2000 Lincoln Town Car.
1LNHM82WXYY938930. Washington, DC. Miller, Caf Raymond, 38:16106
DISTRICT OF DELAWARE
06-DEA-471960, \$3.307.00 U.S. Currency, Millsborg,

DE. Phillips, Raymond B., 08/14/06 MIDDLE DISTRICT OF GEORGIA

MIDULE DISTRICT OF GEORGIA

96-DEA-47217. 2001 Dodge Neon SE.
183ES46C21D284154. Valdosta, GA, Puello. Abdiel
Amir and Silva-Marlinez, Roberto Enrique AKA Andujar,
Chnetian Roberto, 08090/08

NORTHERN DISTRICT OF GEORGIA

06-DEA-470412, 2002 Dodge Dakota, 187HG38N92S697269, Lawrenceville, GA, Valencia, 96-0EA-470479, \$20.040.00 U.S. Currency. Lawrenceville, GA, Valencia, Raul, 06/29/06 06-0EA-470482, \$101,041.00 U.S. Currency.

renceville, GA, Montijo-Martinez, Miguel A. 06-DEA-471954, \$17.010.00 U.S. Currency, Lawrenceville. GA, Freeman, Tonny Lee, 08/18/06 06-DEA-471984, \$9.760 00 U.S. Currency, Lawrenceville, GA, Johnson, Lakeya Michelle, 08/18/06

06-DEA-471998, 2006 Buick Luceroe 104AE57756U20043, Lawrencoville, GA, Johnson, Lakeya Michelle, 08/18/06 06-DEA-472014, 2005 Chevrolet Express Van. 1GCGG25V451215165, Duluth, GA, Freeman, Tonny

06-DEA-472027, 2001 Chrysler 300M 2C3HE66G11H51288t, Dululh, GA, Freeman, Tonny

06-DEA-472305, \$8,050.00 U.S. Currency, Atlanta, GA, Unknown 07/24/06 DISTRICT OF HAWAII

06-DEA-461655, Custom Chopper Style Motorcycle, transmission #TR604135, engine #5850902102, No VIN Found: Mountain View: HI, Williams Jr., Ray.

12-17/05
06-DEA-471750, \$2,779.00 U.S. Carrency, Honoluly, HI, Fong, John and Youn, Hyojin 08-11/06
06-DEA-471751, \$51 020.00 U.S. Carrency, Honoluly, H:, Ui, Orion: S., 08:11/06 06:DEA-471752, 2003 Infiniti G35-V6. INKCV51E1SM021439. Honolulu. HI, UI, Oron S.

NORTHERN DISTRICT OF ILLINOIS 06-DEA-471787, \$44,110.00 U.S. Currency, Lansing, IL, Sebashan Sr., Victor 06 14/06 06-DEA-471851, \$9,592,03 U.S. Currency, Rock Falls

IL. Washington, Keevin D. 06/09/06 SOUTHERN DISTRICT OF ILLINOIS

SOUTHERN UISTRICT OF ILLINOIS

OF-DEA/11/34/, 55/48/30/11 SC Currency, Caseyville
IL. Salaces Valdez Amullo (77/5/06

05-DEA/11/58, \$4,00/20/U.S. Currency, East St
Louis, I. Pland, Tymes, 66/06/06

06-DEA/11/670, \$7,00/20/U.S. Currency, Colinsville,
I. Sandha, Uran AMA Campus, Demonstration

**EXHIBIT** 

96-DEA-471782, \$1,439.0 . U.S. Corrector, Frankfort

06-DEA-471496, B≥ #0913446271, VL:1 Steptanie, 08/01/06 WESERN DISTRIK 06-DA-471373, S2 06-DEA-471501 20 1A98574A82A3291 Roddaugh, Rodney SOUTHERN DISTR 06-CA-472042, S1 MS, tahan Jr. Joh 06-BA-472063, As 5108 VL: \$375.00. Ear, 98/03/06 06-DEA-472068, \$1 060FA-472076, S4 Moris, Shella Nanet EASTERN DISTRIC 06/JEA-471521, S6. NC Godbey, Jimmie 060EA-472129, S4, NCThe Estate of C

060EA-468685, S60 Gransboro, NC, Un DISTRICT OF NEBF 06/FA-471759, 19! Vol County, NE, Sa DISRICT OF NEW 064EA-471554, S3 NH, Russo, David, 0 064EA-471608, 200 36K26U84G259 07%06 064EA-471617, 193 JH2H0B2364785, N

07/11/06 06-IF A-471654, \$7 Cauli, Peter, 07/17/ 06/EA-471659, \$2 NH,Finn, Dennis, 07 064EA-471661, \$1 NH, eBlanc, Neil, 0 06/EA-471671, S5. DISTRICT OF NEW 06-16A-471977, 20( 2PI&A5140YBA332

DISTRICT OF NEVA

06-EA-471947, S4, Meærs, Jacob, 08/ EASERN DISTRIC 06-EA-470492, \$55 NY, inkel, Micah C. 06-DA-471412 S54 ParkNY, Otte, Brian 06-64-471417, S7, Babyn, NY, Membro 06-04-471423, S30 Palcigue, NY, Abec 06-DA-471731, S24 NY. 9cos, John. 0 NOPERN DISTRI 06-DA-471606, 516 NY, flerson, Elton, SOUIERN DISTRI 06-D-469959 S3 06-D-471438, 195 4JG//2E4XA0977: Anto AKA Moreno 06-D-471443, 195 4M2:55P2XUJ193 Flacilo, 07/21/06 06-D1-471452 S5 1GNI06E0WD152

Miguand Baez. Ca 06-Di-471497, \$2-Rosa-Diaz, Robert 06-DI-471862, 20C 3C468B25T50631 Jorga 8/05/06 06-DI-471869, S8.0 Pougeepsi, NY, Hig WESRN DISTRIC 06-DI-471564, 200 1J4C48N81C5366

Cearl., 08/03/06 06-Di-471575, S6. Ancien, Timothy, 0 06-DH471585, \$2. Thorron, Ray F., 0: 06-Dt-471604, S3. Charles, 08-0 -471629, S13

4ds, Charles, £471832, 199 £471894, S5 2 şak. Douglas TERN DISTRIK 471708, S15 d. OH, Terry

06-DE171739, 199

## **LEGAL NOTICE** ATTENTION

The Drug Enforcement Administration (DEA), U.S. Department of Justice, gives notice that the property listed below was seized for forfeiture pursuant to Title 21, United States Code (U.S.C.), Section 881, because the property we remission or mitigation of the forfeiture with the Forfeiture Counsel, Asset Forfeiture Section, Office of Domestic Operations, Drug Enforcement Administration, HQs Forfeiture Response, P.O. Box 1475, Quantico, Virginia 22134-Correspondence sent via private delivery must be sent to Asset Forfeiture Section, Office of Domestic Operations, Drug Enforcement Administration, 2401 Jefferson Davis Highway, Alexandria, Virginia 22301. In addition to, or in lieu the Forfeiture Counsel of the DEA pursuant to Title 18, U.S.C., Section 983(a). Upon the filling of a claim under Title 18, U.S.C., Section 983(a), a claimant may request, pursuant to Section 983(f), release of the seized property during Asset Forfeiture section in Aflington, Virginia. Submission by facsimile or other electronic means will not be accepted. The names of persons or businesses appearing in this notice are not necessarily criminal defendants or suspect:

LAST DATE TO FILE NOVEMBER 30, 2006 PLACE SEIZED, SEIZED FROM, DATE SEIZED

DISTRICT OF ALASKA 06-DEA-472490, \$2.800 00 U.S. Currency, Fairbanks. AK, Warlick Jr., Michael D., 08/31/06 06-DEA-472491, \$9,020.00 U.S. Currency, Fairbanks. AK.

Warlick Jr., Michael D., 08/31/06 MIDDLE DISTRICT OF ALABAMA

MIDDLE DISTRICT OF ALABAMA
OF-DEA\_471944, \$35,959.00 U.S. Currency, Montgomery,
AL, Jackson, Bakeith, 98/23/05
EASTERN DISTRICT OF ARKANSAS
06-DEA\_472698, \$339,541.00 U.S. Currency, Colt, AR,
Lucas, Dewayne A., 98/25/06
06-DEA\_47618, 2002 Crevrotel Monte Carlo,
2G1WAT12E329104328, Colt, AR, Lucas, Dewayne A.,
80116731

06-DFA-472972, 2000 Chevrolet Corvette

06-DEA-472972, 2000 Chevrolet Corvette, 1G1YY22G9752073, Cott. AR, Lucas, Dewayne A, 68:25/06 DISTRICT OF ARIZONA 06-DEA-471668, \$80,745 00 U.S. Currency, Holbrook, AZ. Lassier, Jennifer M, 06/r4/06 06-DEA-47265, 1998 Chevrolet Conventional Cab-GMT400 4x2 Flatbed Truck, 1GBKC34F6WF039018.

Dorne Valley, AZ, Guerra-Lopez, Ernesto Trinidad,

08/29/06 CENTRAL DISTRICT OF CALIFORNIA 06-DEA-471210, \$50,000 00 U.S. Currency, Buena Park, CA, Salazar-Gorzales, Ruperto, 07/26/06 06-DEA-47221, 2000 Ford Focus, 1FAHP3839YW183430, Redlands, CA, Fajardo, Jose

06-DEA-472410, \$10,049 00 U.S. Currency, Los Angeles, CA, Trichome Healing Center, 08/30/06 06-DEA-472488, \$3,645.00 U.S. Currency, Los Angeles,

CA, Todd. Daryl, 08/22/06 06-DEA-472489, \$19 640.00 U.S. Currency, Los Angeles.

CA. Jones, Kenyalta, 08/22/06 06-DEA-472531, \$2.425.00 U.S. Currency, Los Angeles,

06-DEA-472531, \$2.455.00 L.S. Currency, Los Angeles, C.A. Hood, Corey Dion, 082-406.
06-DEA-472541, (6) Western Union Money Orders, VL. 53,960.00. Ser Nos. 08-478682322, 08-478682323, 08-478682325, 08-478682325, 08-478682325, 08-478682325, 08-478682325, 08-478682325, 08-60-DEA-472545, 54,977.00 L.S. Currency, Los Angeles, C.A. Usher, Tamara Jillian, 08/21/06
06-DEA-47256, 54,977.00 L.S. Currency, Santa Fe Sprinss, C.A. Delgado, Juan, 08/80/06
06-DEA-472565, \$74,00.00 U.S. Currency, Bell, C.A. Delgado, Juan, 08/80/06
06-DEA-472566, \$74,00.00 U.S. Currency, Bell, C.A. Delgado, Juan, 08/80/06

Delgado Juan, 98/30/05 06-DEA-472573, \$29:324:00 U.S. Currency, Los Angeles CA, Dodd, Sonia Antoinette AKA Lee Lemon Maidom,

08/28/06 06-DEA-472574, (29) Assorted Money Orders, VL \$16,300.00, [9] Western Union Money Orders, Ser Nos. 08-400766536, 08-400766537; 08-470656733; 08-470656734; 08-470656736; 08-530796099; 08-530797000; 470656734: 08-470656736: 08-5307760999; 08-530797000 08-530797010; 08-53079700; 201 MoneyGram Money Orders, Ser Nos. 48569403432; 48558405434; 48569403454; 48569403455; 48569403476; 48569403102; 4852471864; 48524718659; 4852471874; 4862471872; 48624718681; 4852471874; 4862471872; 48624718736; 4852471874; 587245870; 48624718736; 4852471874; 587245870; 4862478736; 4852471874; 587245870; 4862478736; 4852471874; 587245870; 587245870; 5872255732, Los Angeles, CA, Dodd. Sonia Articinette AKA Lee, Lemon Maidom,

06-DEA-472575, \$32,851 00 U.S. Currency, Los Angeles,

06-DEA-47269, 220 TW U.S. Currency, Los Angeles. CA, Knight. Raymond Davon, 08/28/06 06-DEA-472690, \$20,000.00 U.S. Currency, San Pedro. CA, Steely. Susan Ryan, 08/24/06 06-DEA-472804, \$30,000.00 U.S. Currency, Los Angeles.

CA Perry Andre, 08/22/06 NORTHERN DISTRICT OF CALIFORNIA

06-DEA-472360, 2005 Ford F150 Pickup Truck, 1FTPW14515FB08060, San Francisco, CA, Chow. Tommy Tzeman 08/04/06

Traman, 8054, 5787 00 U.S. Currency, San Leandro, CA. Yuen, David Bo AKA Man, Moustache, 081/006
06-DEA-472446, 5787 00 U.S. Currency, San Leandro, CA. Yuen, David Bo AKA Man, Moustache, 081/006
06-DEA-472450, 2002 Mercedes-Benz, S500V Sedan, WDBNRGT-K42A93719, Hilbsborrugh, CA. Mai, Johnson AKA Maz, Zhi, Xong AKA Mak, Chi Hung and Lee, Lisa AKA, L. Stack, Atl. X. Xac Ling 081/1006
06-DEA-472459, 2005 Porische Cayenne Sport Utiffly 4D, WPT-AC29715LA91971, Hilbsborrugh, CA. Mai, Johnson AKA Maz, Zhi, Xong AKA Max, Ohi Hung and Lee Lisa AKA Li. Sac AKA Li, Xiao Ling, 081/1006
06-DEA-472467, 52238 00 U.S. Currency, San Leandro, CA Yuen, David Bo AKA Mar, Moustache and Chan-Sinco, 081/006

06-DEA-472482, 2005 Lexus GX470 Sport Lt4rty, UTJBT20X650074830, San Mateo, CA. Huang, Zhi En AKA

Lo, Gao, 06:1006 06-DEA-472547, 2002 Lexus FS300 Sedan, JTHEF30GX2002\*617, Burlingame, CA, Cai, Enc Yu Heng, 08:10:06

Heng, 66:1005

60-DE-A472596, \$49,620,00 U.S. Currency, South San Flandsco, CA. Weed, Spencer, 08:16\*06

60-DE-A472611, \$5,900 00 U.S. Currency, South San Flandsco, CA. Chyman, George 68\*606

SOUTHERN DISTRICT OF CALIFORNIA Southern bishrict or Californian 66-DEA-472091, \$1,530.00 L.S. Currency Sen Diego, CA. Jenangs, Fatme Thyrese 08/28/06 06-DEA-472174, \$1,890.00 U.S. Currency, Spring Valley, CA, Arally Sr., Manuel Charlauros AKA Atalic, Manuel Charlauros, 08/29/06

06-DEA-472086, \$90,555.00 U.S. Currency. Washington Park, IL, Smith, Jakari Kenyon, 08/23/06 06-DEA-472154, \$54.500.00 U.S. Currency, Collinsville, IL, 06-DEA-47/2134, 334-305.00 of 35, currency, commissing, in Manilla, Marcellino, 08/30/66 NORTHERN DISTRICT OF INDIANA 06-DEA-472475, \$4,095.00 U.S. Currency, Michigan City,

IN, Diggs, Christopher J., 09/06/06 SOUTHERN DISTRICT OF INDIANA SOUTHERN DISTRICT OF INDIANA
D6-DEA-47236, Remington Amms Model 592 22 caliber
Semi-Automatic Rifle, Ser No B2649167, VL: \$60 00.
Clinton, IN, Pruett, Donny, 08:17/06
D6-DEA-47255, \$15.55.00 01.S. Currency, Rockville, IN,
Swearingen, Jason, 08:25/06
D6-DEA-472699, \$9,177.00 U.S. Currency, Seymour, IN,
Rose, Richard D., 08:29/06
D6-DEA-472692, \$28,657 00 U.S. Currency, Lapel, IN,
Ingos, Bright of BigNumb

Jones, Robert, 08/04/06 06-DEA-472846, \$11,295.00 U.S. Currency, Terre Haute.

IN, Rooksberry, Kenneth. 08/31/06 DISTRICT OF KANSAS 06-DEA-472290, \$24,928.00 U.S. Currency, Ottawa. KS, Hernandez-Diaz, Jose Enrique, 08/17/06 06-DEA-472290, \$13,010.00 U.S. Currency, Wichila. KS,

Muba, 8womi E., 08/14/06 EASTERN DISTRICT OF KENTUCKY 06-DEA-472157, \$2,104.00 U.S. Currency, Covington, KY, Walker, Harold Lamar, 08/23/06

Walker, Harold Lamar, 08/23/06
WESTERN DISTRICT OF KENTUCKY
06-DEA-472195, PNC Bank, Accounts #30-09450351/830-0877-8785, VL: 52,437.71, Louisville: KY.
Williams, Patricia A AKA Read Patricia AKA Reed, Patricia
Ann AKA Williams, Patricia AKA Williams, Patricia Ann,

DISTRICT OF MASSACHUSETTS

DISTRICT OF MASSACHUSETTS
OF-DEA-470827, 1998 Misubish Gallant,
433J.8561WE068410, Lynn, MA, Marales, Julio, 06/26/06
OF-DEA-471080, 57.500,00 U.S. Currency, Hyannis, MA,
Knochel Lone, 07/24/06
DISTRICT OF MARYLAND
OF-DEA-471719, \$2,045.00 U.S. Currency, Brocklyn, MD,
Sharlar Midratha Llawse, 06/87606

u-b-u-A-1717s, 32,145,00 U.S. Currency, Brocklyn, M. Shpley, Kristophe Lloyse, 681f-606 06-DEA-472273, 525,910 to U.S. Currency, Prince Georges Co., MD, Hodges, Lavel Natlanel, 08-22/06 06-DEA-472260, 2000 Cardiac Deville DHS. 1656/ES7137 U281009, Baltimore, MD, Parker, Joseph. 690106

06-DEA-472513, \$2,650.00 U.S. Currency. Wilkes, Patrick AKA Wilkes, Patrick Dortle AKA Wicks, Patrick Dortle AKA Wilkes, Patrick, 08/24/06 06-DEA-472558, \$3,750.00 U.S. Currency, Landover, MD. Hampton, Sarakendra Anniece, 08/24/06 FASTERN DISTRICT OF MICHIGAN

EASTERN DISTRICT OF MICHIGAN
OF-DEA-47187, 1999 Yamaha Motorcycle,
JYAPN02E6XA005253, Defroit, MI, Daws II, Richard
Vermon MKA Dawis, II, Richard Wermon AKA Daws, Richard B. AKA Dawis, Richard C. AKA Dawis, Richard V. AKA
Daws, Bichard Vernon AKA Johnson, Richard MAKA
Johnson, Rick AKA Mohammed, Shahid AKA Moore, Richard AKA Moore, Richard Charles AKA Moore, Roderick Jay AKA Wilson, Mark Ene and Belcher, Delando

680906

06-DEA-472039, Assorted Weapons, VL: \$227.00. (1)
Plainfield Machine M1n: 30 Caliber Rifle, Ser No 16905; (1)
HEC 15 Caliber Rifle, Ser No 003526; (1) Smith and
Wesson Revolver, Ser No 29365; (1) Smith and Wesson 38 Caliber Pevolver, Ser No 1683983; (1) Smith and
Wesson 367 Magnum Revolver, Ser No 51885; (1) Smith and
Wesson 367 Magnum Revolver, Ser No 51885; (1) Smith and
Wesson 368 Caliber Special Revolver, Ser No 51885; (1) Smith and Wesson 36 Caliber Special Revolver, Ser No 51885; (1) Smith and Messon 36 Caliber Special Revolver, Ser No 51885; (1) Smith and Messon 36 Caliber Special Revolver, Ser No 51885; (1) Smith and Messon 36 Caliber Special Revolver, Ser No 51885; (1) Smith and Messon 36 Caliber Special Revolver, Ser No 51885; (1) Smith a

06-DEA-472078, 1999 Cadillac Deville, 1G6KD54Y5XU791710, Detroit, MF, Dubose, Christophel

ofani, vorzevo 06-DEA-472179, 1969 Chevrolet Camaro 124379N651882, Detroit, MF Dubose, Christopher Grant. 06-DEA-472363, 1983 Buick LeSabre, 4J1087705, Detroit,

0-6-DEA-472363, 16-93 Block LeSister, 4J1087705 Denot, Mt. Bedcher, Delando Martinez, 108/19/06 96-DEA-472371, Custom Sand Rail Dune Buggy, VIN N-A. Dertot, Mt. Beicher, Delando Martinez, 08/09/06 96-DEA-472377, 1994 Caotine, Sedan Deville, 6-L038484, Deland, Mt. Beicher, Delando Martinez, 08/09/06 06-DEA-472387, 1962 Chevrolet Impaia, 418-71/296678, Detrott Mt. Beicher, Delando Martinez, 08/09/06 06-DEA-472388, Frad Custom 1-Budket, VIN None, Detrot, Mt. Beicher, Delando Martinez, 08/09/06 06-DEA-472309, 1971 Chevrolet Chevele SS, 1963/15/29762, Detrott, Mt. Beicher, Delando Martinez, 08/09/06 09/09/06.

06-DEA-472399, \$5.692 00 U.S. Currendy, Romulus, M. Stokes Jr., Curtis Lee AKA Miller, Curtis AKA Winston.

Raymond Lee, 06/25 05
DISTRICT OF MINNESOTA
06-DEA-472038, 2003 Yamaha Jet-Skir Ser No
YAMA1718B303, Newport, MN, Salinas, Omar Alejandro

06-DEA-472143, \$5 000 00 U.S. Currency, Stillwater, MN. Medina, Victor, 08/28/06 06-DEA-472502, \$18.032.00 U.S. Currency Minneapolis MN. Luster. Cifford Morse. 08/29/06

MN. Luster Cirtland Marse (882906 EASTERN DISTRICT OF MISSOURI 06-DEA-472069, 1997 Lexus ES 300, J788F22G5V5000F1 St. Louis MO Houston Loretta and Houston 11 Boyd (882-206 06-DEA-472156, 1998 Ford Windstar Van,

uo-bea-472306, 1999 Ferd Wildslaf van, 2FMZA5145WBE18351 St Charles MO Locez-Gonzalez Estatean, 08:25/06 06-DEA-472198, 2001 Mercedes S-430, WDBNG7001A145102, St Louis MO Jenkins Judy

Charteres, 08/29/06
69-DEA-472215, 810-009 01 U.S. Currency, San Diego,
CA. Reed, Tasha 38/29/06
69-DEA-472215, 510-009 01 U.S. Currency Shring Valley,
CA. Carlver Shapey, 08/29/06
69-DEA-472225, 54/15/06 01 U.S. Currency Shring Valley,
McGrans Michael Anthony, 08/30/06
69-DEA-472231, Assonau Levelly, V., 333/955, 35, 17, 18 Astal white gold Carlier dismond tank traceler watch 06-DEA-472211, 2005 Bentley Continental GT, SCBCR63W95C029935 St. Louis, MO, Houston III. Soyd.

Ernest J AKA Grigsby Jr., Ernest James AKA Grigsby, 

06 DEA 472343, \$1.056.00 U.S. Currency. Brookpark. OH. Aleman, Jose AKA Shorty, 091706.

60 DEA 472392, \$30.595.00 U.S. Currency, Cleveland, OH. Ross, Cory AKA Ross, Cory B. Fartan-Alvarez, Victor, 08/24/06 06-DEA-472607, \$5,682.00 U.S. Currency, Portland, OR.

us-bus-4-72807, \$5.682.09 U.S. Currency, Portland, OR, Fartan-Maraer, Ruben, 682406 O6-DEA-472615, \$9.010.00 U.S. Currency Portland, OR, Rodriguez-Porce, Gisedic, 363706 OF OS DEA-472600, \$18.000.00 U.S. Currency, Portland, OR, Rodriguez-Guzman, Salvadore and Farfan, Araceli, net/poins.

06-DEA-472680, \$1,510.00 U.S. Currency. Portland, OR,

vo-uca-vi zoou, 3, 13 (uo) U.S., Lutrency, Porland, OH, Fafan-Aharez, Kiofci, 08/2406 06-DEA-472685, \$1,101.00 U.S. Currency, Porland, OH, Capitan-Loc, 1000 eA AV, Vivanco-Lopez, Sergio, 08/2406 EASTERN DISTRICT OF PENNSYLVANIA 06-DEA-47219, 1999 Chevrolet Takee SUV, 10AVEX,1812X,1065509, Philadelphia, PA, Pena-Nunez, Graps, 108/1705

Grace, 08/17/06
WESTERN DISTRICT OF PENNSYLVANIA WESTERN DISTRICT OF FERRING LEGISTR. 06-DEA-472571, 1985 Buick Regal, 1G4GM47A3FP428388, Pittsburgh, PA, Pinkett, Demond,

09/01/06

05-DEA-472704, Kahr 9mm Pistol, Ser No Y55971, VL: \$275.00, Pftsburgh, PA, Pashuta, Michelle, 07/25/06
DISTRICT OF PUERTO RICO
05-DEA-472654, \$127.600 00 U.S. Currency, Carolina, PR, Morales-Hemandez, Felix, 09/08/06
05-DEA-472654, \$128.90 0.U.S. Currency, Carolina, PR, Escobar-Sarchez, Ambal, 09/08/06
05-DEA-472674, \$13-226.00 U.S. Currency, Carolina, PR, Pomar-Rivera, Vactor Manuel, 90/80/06
06-DEA-4726686, \$245,730.00 U.S. Currency, Dorado, PR, Flosa-Tosaco, Josue and Loyola-Felioano, Juan E. 08/24/06

06-DEA-472707, \$71,950.00 U.S. Currency, Dorado, PR Rosa-Tosado, Josue and Loyola-Feliciano, Juan E.

06-DEA-472739, (8) United States Postal Money Orders. VL: \$7,000.00. Ser Nos. 93093605212, 93091960618;

VI.: \$7,000,00. Ser Nos. \$9303805212. \$9091960618; 390980520. \$9001963634; \$9091963622; \$9001960631, 93091960622; \$93031960612; Dotado, PR, Rosa-Tosado, Josue and Loyola-Feliciano, Julan E., 0924206 DISTRICT OF SOUTH CARDUINA 06-0EA-471969, \$23.528.00 U.S. Currency, Columbia, SC. Luis-Delgaoo, Israel, 08/23/06 06-DEA-472114, 2000 GMC Sierra

2GTEC19T0Y1166960. Greenville, SC, Gray, Christopher A'an 08/18/06

A'an 08/18/06

OG-DEA-472317, 2006 Honda CBR100.

JH2SC570c6M206671. Greer, SC, Mesa-Lopez, Albeiro
De, Josus, G818/06

OG-DEA-472346, S-11,768.00 U.S. Currency, Goose Creek,
SC, Reyes, Esteban Lopez AKA Chava and JiminezOsepuerra, Jose Manuel, C815/06

OG-DEA-472473, 516.697.00 U.S. Currency, Greenvike,
SC, Wilks, Sha-Sha Allah AKA Wilkis, Shu and Buller.

Peneart (10,364).

EASTERN DISTRICT OF TENNESSEE

EASTERN DISTRICT OF TENNESSES 60-DEA-4723, SE7 000: 00 U.S. Currency Chattaneoga TN. Ambriz Jr., Francisco, 08/28:06 WESTERN DISTRICT OF TENNESSEE 06-DEA-471699, 1991 Mercedes-Benz 300CE WDEEAS1D6MB458944, Memphs, TN. Knox. Starry.

06-DEA-472560, \$16.763 03 U.S. Currency, Memphis, TN.

Bo-DEA-472560, 15-0 US Currency, Memphs, IN Carrue-Sanchez, Edgar Antonio, 081506\* 06-DEA-472578, 514,108.00 U.S. Currency, Cordova TN, Dawson Monica Lashel and Games Tnoy Fiel, 08/24/05 06-DEA-472594, 2006 Toyota 4Purner JTEZI: 491-68051954 Memphs TN, Hicketson, Lestie Les Distribution. 06-DEA-472957, \$26.830 00 U.S. Currency, Memphis TN

Vara, Jesus Alberto 08/23/06 06-DEA-472958, \$41,515.00 U.S. Currency, Memphis, TN, Vara Jesus Alberto. 08/23/06 06-DEA-472961, \$38.510.00 U.S. Currency, Memphis TN,

vara. Jesus Alberto, UKZZAGO SOUTHERN DISTRICT OF TEXAS 06-DEA-472099, 1997 Kenworth Tractor TXXADR9X5VR756461, Sairta TX, Hernandez, Bicardo

06-DEA-472122, 2001 Freightliner Tractor, 1FuJAHCGX11J12838, Faifurnas, TX, Lopez Pamiro

06-DFA-472171 1998 Nissan Pathfunder uo-bea-4/2771, 1996 Nissan Harthmoor.
Un8AR0558WW230267 Sania, TX Elizondo-Graziano
Hector Rene C8/25/06
WESTERN DISTRICT OF TEXAS

WDBED30E5PB915866, Saint Albans, WV, Blake, Byfield Adolph AKA Blackwell, Devon AKA Blake, Devon, 08/24/06 06-DEA-472415, \$11,120.00 U.S. Currency, Saint Albans, WV, Blake, Byfield Adolph AKA Blackwell, Devon AKA Blake, Devon, 08/24/06

Juda Carlos Arch Houriguez, Judan F., Vol 17205

Ob-DEA 472341, 85,508,00 U.S. Currency Cleveland, OH

SECOND NOTICE

LAST DATE TO FILE NOVEMBER 23, 2006

06-DEA 472343, \$1,056,00 U.S. Currency Brookpark, OH.

PLACE SEIZED, SEIZED FROM, DATE SEIZED

MIDDLE DISTRICT OF ALABAMA MIDDLE DISTRICT OF ALABAMA
OF-OEA-471805, SS,152.0 U.S. Currency, Montgomery,
AL, Jones, Harry Edward, 08/08/06
OF-DEA-471965, SB000.00 U.S. Currency, Montgomery,
AL, Morritt, Jacquard, 08/2006
OF-DEA-472249, \$5,370.00 U.S. Currency, Montgomery,

AL, Davidson, Cedric Lee, 08/24/06 06-DEA-472484, \$15,700.00 U.S. Currency, Montgomery,

06-DEA-472494, \$15,700.00 U.S. Currency, Montgomery AL, Moris, Sywelser, 08/2806 06-DEA-472511, \$5,000.00 U.S. Currency, Montgomery, AL, Hartwel, Philip, 08/2006 NORTHERN DISTRICT OF ALABAMA 06-DEA-471955, \$4,340.00 U.S. Currency, Jasper, AL,

Garner, Charles, 08/23/06 06-DEA-472071, \$13.024.40 U.S. Currency, Bessemer, AL.,

06-DEA-4/2UT, \$13/24-4U O.S. Currency, bessemer, Adulahe, Jamal. 08/23/06 06-DEA-472342, 1998 Ford Explorer, 1fMZU32ETW2576966, Hoover, AL, Romero, Ricardo, 08/22/06 EASTERN DISTRICT OF ARKANSAS 06-DEA-472141, 1000 Learnibusinsh. 06-DEA-472141, 1998 Lincoln Navigator. 5LMPU28L1WLJ61700, Jacksonville, AR, Ellis, Lavar,

WESTERN DISTRICT OF ARKANSAS

WESTERN DISTRICT OF ARKANSAS

60 - DEA-47245, S32,000 00 U.S. Currency, Fayetteville,
AR, Hodge, David, 08/31/06

DISTRICT OF ARIZONA

60 - DEA-471204, 279,178.33 U.S. Currency in lieu of 11013

W. Palm Lane, Avondale, AZ, Medina, Leinia, 07/17/06

60 - DEA-47276, 20 Arecorded Microscope, 141, 556,00. (1) 06-DEA-472072, (2) Assorted Weapons. VL: \$285.00, (1)
Remington Rifle Model 7400, .270 Caliber, Ser No B8449604; (1) Ruger Revolver 22 Caliber New Model Single-Six, Ser No 68-01230, Phoenix, AZ. Rochin-Barrza Dora, 08/22/06

06-DEA-472102, \$70,200.00 U.S. Currency, Phoenix, AZ. Rochin-Barrza, Dora, 08/22/06 06-DEA-472103, 2002 Cadillac Escalade, 1GYEK66N22R103214, Phoenix, AZ, Chavez-Burgos, Blanca Estela AKA Chavez, Blanca Estela, 08/22/06 Blanca Estela AKA Chavez Blanca Estela, 08/20/06
60-EA4-4720, 2006 Dodge Charger H/T.
28/34K34/75H22290, Phoenix AZ, Chavez-Burgos,
Blanca Estela AKA Chavez, Blanca Estela 08/20/06
60-DEA4-72107, Rugar P94: 40 Caliber Semi-Automatic
Pstol. Ser No 34/34848, VL 5185.00, Phoenix, AZ,
Valtenegor, Intela Guadatupe, 08/11/06
60-DEA4-72202, Springfeld Armory EX-40 Handgun with
two Magazines and Holster, Ser No US 47/369, VL
55.0.00, Tucson, AZ, De La Riva, Manuel Abelardo,
DREAGA.

06-1640 CENTRAL DISTRICT OF CALIFORNIA 06-DEA-471982, 2001 Mercedes S55 AMG, WDBNG73J01A204600, Costa Mesa, CA, Torres, Eliphelet, 08/17/06

06-DEA-471985, Washington Mutual Bank, Account #0934703580, VL \$6,000.00, Hawthome, CA. Wright, Lloyd Garfield, 08/17/06 06-DEA-471986. 2007 Cadillac Escalade AWD SUV

1GYFK63847R154705, Santa Ana, CA, Barajas Torres, Flodia 06/17/06 Eloda, 0617/06
06-DEA-471989, 2006 Mercedes S600,
WDBNG76006A61551, Costa Mesa, CA, Torres,
Eisphelet, 0617/06
06-DEA-471991, 2000 International 9400, Tractor,
ALSCALAMBRYCOT2434, Costa Mesa, CA, Vazou,
ALSCALAMBRYCOT2434, Costa Mesa, CA, Vazou,

2HSCNAMR7YC079434 Costa Mesa, CA Vazquez-Torres, Gilardo, C8/13/06 06-DEA-471992, 2006 Lincoln Mark LT Truck SLTPW18556FJ06613, Santa Ana, CA, Barajas Torres

06-DEA-471994, 2006 Featherlite Horse Trailer

0-6 DE-A-47199-4, 2006 Featherlite Hosse Trailer, 4FGB122882690667 La Pueuer, CA Acevedo Jorge and Sandoval, Patincia 08-17-06 0-5 DE-A-472165, 547, 499,00 U.S. Currency, Alpine CA, Contrivers, Jose Lurs, 08-29-06 0-5 DE-A-472175, 53,300 O U.S. Currency, South, Galle, CA, Gonzales, Gilberto, 06-17-06 0-5 DE-A-472176, 5426,339,00 U.S. Currency, Fontana, CA, Charges View Blander, 08-17-06

Cazarez 1us Alberto, 08:17/06
06-DEA-472206, \$3.572.00 U.S. Currency, Santa Ana, CA. Baraias Torres, Elora, 08:17/06

Barajas Torres, Elodia, 08/17/06 06-DEA-472215, S5 820 00 U.S. Currency, Santa Ana, CA. Vasquez-Torres, Grardo. 08/13/06 06-DEA-472314. 2006 Chevrolet Marbu 1G1ZT51F76F164469 Fontana CA Cazarez Lius Alberto

70arra, od 17-00 06-DEA-472323, \$13 180 00 U.S. Currency, Studio City, CA, Kim Kinsta Patterson 08 17/96
CA, Kim Kinsta Patterson 08 17/96
60-DEA-472324, S 2372/00 U.S. Currency North
Hollywood CA, Kim Kinsta Patterson, 08/17/06
60-DEA-472326, Wells Fargo Bank Account #5/541-22067,
VI. S4-208-97, Costa Miess CA, El Vaguero Farmly
Riestaurant, 06/21/06
60-DEA-472707, West-barrent 18-20-2067.

Hestaurant, 98 21:06 06-DEA-472327, Washington Mutual Bank, Account #0911-00002394907, VL. \$38,335,82, Costa Mesa, CA. Toires, Abraham, 08:21:06

Tores, Abraham, 9821-06

60-DEA-47239; Wells Fargo Sank, Account ≠2018771501; VL. \$101.922.2; Costa Mesa, CA, El Vaquero,
Records Inc. 66/21/05

60-DEA-472300. Earn of America, Account #4511-02438;
VL. \$456.2€ Santa Ana, CA, Torres, Elodia Baira,as,
Torres, Elodia Baira,as

08 75 00
6 DEA 472347. Washington Mutual Bank Account #08660006609-95 V. \$7 559 42 Costa Mesa, CA Torres Abraham 0821:06
06 DEA 472351. Wells Fargo Bank Account #49667484

Notebook V2575US CTO V2000, Ser No CNF541294B,

Notecook V2/5/SUS 10 V 2000, Set No CNI-5412948, Orlando, F.L., Mateo Jr., Saniago and Moss, Africham and Tubbs, Bobby Jaymori, 08/03006 69-DEA-472337, 54-280 00 U.S. Currency, Orlando, F.L., Siema-Daly, Christian, 08/23/06 09-DEA-472339, 1992 Chervolet Convette Coupe, 1G1YY22PSN5116667, Orlando F.L. Reyes, David, certains.

NORTHERN DISTRICT OF FLORIDA

NORTHERN DISTRICT OF FLORIDA

6-DEA-41793, 340,625.00 U.S. Currency, Marianna, FL,
Elizondo, Rene Melquizo and Lopez, Sleven Paut and
Rodriguez, Vincent Sleve, 08/2006

6-DEA-417243, 1997 Toylota Camry XLE,
4113622K4VV198710, Tallahassee, FL, Bennett III,
Fichard, 08/250, 0000415-0006

06-DEA-461589, 2000 41' Silverton Yacht Vessel "Jennyler", Ser No STND0248800037C. Miami, FL, Boyer, Andre Alex, 12/28/05

Mote Aver, 12/20/00
60-DEA-471278, \$7.795.00 U.S. Currency, Miami, FL, Dang, Huy Hoang, 08/02/06
06-DEA-472380, 2000 Mercedes-Benz S-500, WDBNG75J7YA041449. Miami, FL, Tran, Phong Thanh,

MIDDLE DISTRICT OF GEORGIA MIDDLE DISTRICT OF GEORGIA

60-EBA-47205, 174,860.00 U.S. Currency, Valdosta,
GA, Puello, Abdiel Amir and Silva-Martinez, Roberto
Erinque AKA Andujar, Christian Roberto, 600406

60-EBA-47221, 2000. Nissan Frontier,
11KED2978YC360014, Valdosta, GA, Dominguez, Jose
Issael Penaltos, 6021/05

60-DEA-472428, \$8,641,90 U.S. Currency, Byron, GA,
Thomas, Eugene William AKA James Jr., Robert Lee,
1630.06

UGRUNUS NORTHERN DISTRICT OF GEORGIA 06-DEA-471959, Bank of America, Cashiers Check #0453099, VL: \$99,506 15. Lilbum, GA, Freeman, Tonny

06-DEA-472208, \$943.45 U.S. Currency, Duluth, GA.

08-DLA-472208, \$943.40 U.S. Currency, Duluth. GA. Freeman, Tomy, Lee, (BP1806 of U.S. Currency, Norcross, 64. The Estate of Unbe-Morales, Luss and Leviva-Portilo, Floridalma and Burgos-Uneta, Smithe, 081806 06-DEA-47240, \$1,482.00 U.S. Currency, Altanta, GA. Soctt, Michael and Jordan, Maxsmillion, 089006 06-DEA-47240, \$1,082.00 U.S. Currency, Altanta, GA. Jordan Maxsmillion, DRSPJ06.

Jordan, Maxsmillion, 08/30/06 06-DEA-472441, \$1,200.00 U.S. Currency, Atlanta, GA.

Scot, Michael, 08/30/66

OF-DE-A72/34, 1998 Mercury Villager Mini Van,
4M2ZV1119WDJ35026, Buford: GA, Valencia-Para: Jes
Alejandro AKA Medina, Ennque Rodhquez AKA Medina,
Enmau e Rodhquez AKA Padriquez, Ennque, 08/16/06

OF-DE-A72/527, \$1.159.00 U.S. Currency, Affanta, GA,
More Savers, Anjack, 08/30/30.

Mora-Ramirez, Antonio. 08/28/06 06-DEA-472565, 2006 Yamaha VX110 Waverunner, Ser No YAMA11001506, Gainesville, GA. Grentena, Arturo, 08/17/06

DISTRICT OF HAWAII
05-DEA-472106, \$35,100.00 U.S. Currepcy, Honolulu, HI,
Forester, Richard, 08/24/06
05-DEA-472638, \$195,390.00 U.S. Currency, Honolulu, HI, Kauvaka, John, 08/30/05 SOUTHERN DISTRICT OF IOWA

O6-DEA-471902, \$153, 950.00 U.S. Currency, Redfield, 1A, Ingram, Nigel Garfield and Thomas. Glenford Isidore, 08/9/9/06 NORTHERN DISTRICT OF ILLINOIS

06-DEA-471836, 1995 Honda Accord, 1HGCD7259SA031152 Le Grange, IL, Campos, Gualberto Angel. 07/13/06 06-DEA-471839, 2004 Chevrolet Trailblazet, IGNDT13S242302578. Aurora, IL. Campos, Guelberto

06-DEA-472204, \$7,500:00 U.S. Currency, Midlothren, It. Adenipebi, Adeyemi Akanb., 08/16/06 06-DEA-472212, \$103,430 00 U.S. Currency, Chicago, IL.

alvo Adan 08/21/06 06-DEA-472406, 2005 GMC 3500 with fifth wheel hauler, 1GOJK34235E155921, Lansing, IL. Sebastian Sr., Victor

06-DEA-472418, 2004 Nissan Tilan Pick-up. Vila Juan, 08/23 06 1N6AA06A14N502605, Chicago IL. VI SOUTHERN DISTRICT OF ILLINOIS 06-DEA-472378, 2011 Ford Ranger XLT 4X4, 1FTZH15E71TA89265, Township 13s-r 6e, IL. Acams, Richard T. 0607/06

MORTHERN DISTRICT OF INDIANA 06-DEA-471769, 2001 Suzuki GXR 10900a Motorcycle US1GW71A812102403, For Wayne, IN, Tell Jr, Leotha

96-DEA-471826, 1997 GMC Sierra 1500 Pickup 2GTEK19R9V1555385, Fort Wayne, IN. Tell Jr. Leotha 06-DEA-471838, S2 026 00 d S. Currency, Mishawaka :N.

96-DEA-471898, 20-80 of S. Currency, Mishawaka, N. Wintsush, Antwore, 0814-06 06-DEA-471844, 55:003.00 t. S. Currency, Mishawaka, IN Wintsush, Antwore, 0814-06 06-DEA-471846, 1978 Buck, Lestaine, 4F9738H515:279 Mishawaka, N. Wintsush, Antwore, 08 140-6 06-DEA-47189, Julio Diamando Weten & Whate Gold Dentance Earnings, Vt., 514, 510, 70. South Bend, IN Wintsush, Antwore, 0814-06 06-DEA-471855, S86-002-00 U.S. Currency, Fort Wayme 12-DEA-471855, S86-002-00 U.S. Currency, Fort Wayme

06-DEA-471805, Sellida 08/09 06 06-DEA-471861, 1993 Nissan Sentra, UNITEB31P3PU210143 Fort Wayne, IN, Chavez, Enka

08(90)0 G-DEA 471864, 1931 Nessar Sentra 184E832A0MC/E4108, Fint Wayne, IN Rodinguez Teutia Luciano AKA Chaidez-Medina Pamon Guadalupe

06-DEA-471867, 2004 Ford F150 Supercrew Rickup Truck 1FTPW:14534KA06913, Fort Wayne JM, Chavez Enka

06-DEA-472301, N 06-DEA-472348, T

A971788, Newport EASTERN DISTR 06-OEA-461508, \$ Cox, Corey, 12/15/ 06-DEA-461642, \$ Harnmonds, Court 06-DEA-461917, \$ Davis, Claude Jes-06-DEA-471872, 2 1LNHM82W7YY82 Tyeita, 08/16/06 06-DEA-471885, \$ Heights, MO, Love 06-DEA-471903, \$ Jones, Jessie, Oby 06-DEA-472229, \$ MO, Settle, Kelvin, WESTERN DISTR 06-DEA-471774. \$ 06-DEA-471777. 1DW1AD328PS79 and Ouiroz, Amultic 95-DEA-471817, 1 2FUYDXYBXTA45 and Ourroz. Amulfe

NORTHERN DIST 06-DEA-467410. \$ MS, Garcia, Maxin 06-DEA-470992, \$ 06-DEA-472116, S 06-DEA-472128. S

Imperal Palace Ho DISTRICT OF MO 06-DEA-471929, \$ Jorgenson, Carl Ha 08/22/06 EASTERN DISTRI 06-DEA-472336. A Taurus PT-911 9mr Intratec TEC-9 9mi 06-DEA-472372, A Gauge Mossberg : Caliber Pistol, Ser 06-DEA-472375, A Springlield Model 1 Glenfield Model 60

NG, Gracia, Cecilio 06-DEA-472383, 1 1GBKP37N7S3300 Bertram J., 08/23/0 Bertram J., 08/23/4 06-DEA-472401, 1 1J4GW58S8XC53 nia, 08/24/06 06-DEA-472413. 1 WBAGJ8322VDM0 Fernando: 08/28/06 MIDDLE DISTRICT Hooker, Elijio Lasar 96-DEA-472320, \$ NC, Nesmith Jr., Jc 06-DEA-472335, 2 06-DEA-472365, S

WESTERN DISTR 06-DEA-472302, \$ NC. Prade-Sandov 06-DEA-472340. \$ UC, Reyes-Morale: 08/17:06 DISTRICT OF NEE 06-DEA-471763, S

County, NE, Arredo DISTRICT OF NEV 08-DEA-468442, \$ Hoganicamp, Micha 06-DEA-471700, \$ Cargle, Mark 07/19 06-DEA-471727, \$ Unidentified, 07/24. (16-DEA-471746, \$1 G6-DEA-472112, \$ 05-DEA-472117. \$ Unidentified 07/26 DISTRICT OF NEV

-GCG5542WA25 DISTRICT OF NEV 06-DEA-467322, 2 1B3ES460620515 08-DEA-472049. 5.:8064964: 08-53

545780735, 08-50

05-DEA-472238.

SOUTHERN DISTRICT OF OHIO

Capitan-Loe, Jose AKA Vivanco-Lopez, Sergio. 08/24/06 EASTERN DISTRICT OF PENNSYLVANIA

Allen, 09/01/06 EASTERN DISTRICT OF WISCONSIN

eler, Nathan A., 08/30/06

Cisneros, Eric E. 99/01/06 06-DEA-472832, 2000 BMW 323 Cl Coupe.

WESTERN DISTRICT OF WISCONSIN

06-DEA-472510, \$7,320.00 U.S. Currency, Milwaukee, WI

Jackson, Antionette, 09/05/06 06-DEA-472684, \$3,875.00 U.S. Currency, Donmark, WI,

06-DEA-472830, \$3,000.00 U.S. Currency, Appleton WI,

ABM3349YJN80798, Appleton, WI, Cisneros, Enc E.,

WESTERN DISTINCT ON WISCONSIN 06-DEA-471981, \$5,313,00 U.S. Curvency, Warnakee, W. Doth, Savoeun, 0823/06 06-DEA-472433, 2002 Lnook: Corr rental L.S. LIMH4976A2770148, Marthon VII, Star, Emory R., 09 05 06 06-DEA-472711, \$5,275 00 U.S. Currency, Eeffevrik, WI, Hicks

John M., 39 11 06 06-DEA-472717, S8,375 00 U.S. Currency Solievide. WI. Cothrs. Dosald L., 39 11/06 06-DEA-472721, S5,637 00 U.S. Currency. Madison, Wi.

06-0EA-472199, 1999 Chevrolet Tahoe SUV. 1GNEK13R2XJ365503, Philadelphia, PA, Pena-Nunez, Grace,

• . !

# ♦ PUBLIC NOTICES ♦

# **LEGAL NOTICE** ATTENTION

I, United States Code (U.S.C.), Section 881, because the property was used or acquired as a result of a violation of the Controlled Substances Act (Title 21, U.S.C., Sections 801 et seq.). An owner or lienor may file a petition for remission or leiture Response, P.O. Box 1475, Quantico, Virginia 22134-1475, pursuant to Title 19, U.S.C., Section 1618, and the regulations governing the petition process set forth in Title 28, Code of Federal Regulations. Part 9. Correspondence is Highway, Alexandria, Virginia 22301. In addition to, or in lieu of petitioning for remission or mitigation, a person may contest the Iorietture of the seized property during the pendency of the forfeiture proceeding due to hardship. A petition, claim, or other correspondence shall be deemed filed with the Asset Forfeiture Section, when received by appearing in this notice are not necessarily criminal defendants or suspects, nor does the appearance of their names in this notice necessarily mean that they are the target of DEA investigations or other activities.

Schlöte Park, N. Olea, Antonio, (17/5/105
06-DEA-1726/T5, Cashiers Check + 15/19/701 Eanco
Schlander Planch Rock, V. \$10/2-500, Officiago, L.
Rodriousz-Escanellas, Jose (68/5)/66
06-DEA-1727/8, ST. (6X CO V) S. Currency, Chicago, C.
Owens, Kehlin Duane, (88/30/105 Currency, Schlifer Park, IL.
Olea, Antonio (17/25/6) ey Paul. 09/12/06 SOUTHERN DISTRICT OF OHIO
De-DE-A17238, 55.999.0 U.S. Currency, Columbus, OH.
Emore. David Heith AKA Elmore, David AKA Elmore, David
Heath AKA Elmore, David Heith, 0822506
08-DE-A172356, 56.288.00 U.S. Currency, Columbus, OH.
Ramirez, Justius James AKA Hamerez, Justi, 082506
08-DE-A172601, 523.954.00 U.S. Currency, Portiand, OR.
Capitan-Lev, Device WAA Viranos-Lopez, Sergio, 092406
08-DE-A172601, 56.07.00 U.S. Currency, Portland, OR,
Farlan-Alvanez, Mickel, 092406
09-DE-A172607, 55.682.00 U.S. Currency, Portland, OR,
Farlan-Alvanez, Buben, 092406 v. Oak Creek. Wf. v. Milwaukee, Wl. y, Milwaukse, WI, Clea, Antonio. 07/25/06 06-DEA-472086, \$90,555.00 U.S., Currency. Washington Park. IL. Smith, Jakani Kenyon, 08/23/05 06-DEA-472154, \$54,500.00 U.S. Currency. Collinswife, IL. Bickham, Reginald, 9-07E4-472607, \$5.682.00 U.S. Curency, Portland, CR, Fadan Akraez, Ruben. 08/2406 Curency, Portland, CR, 96-07E4-472615, \$9.010:00 U.S. Curency, Portland, CR, 96-07E4-47260, \$1.600.00 U.S. Curency, Portland, CR, Robriguez-Gurrans, Sakvatore and Fartan, Aracelo, CR/2606 60-07E4-472680, \$1.510.00 U.S. Curency, Portland, CR, Farlan-Akraez, Victor, 08/2406 08-07E4-472685, \$1.101.00 U.S. Curency, Portland, CR, Farlan-Akraez, Victor, 08/2406 08-07E4-472685, \$1.101.00 U.S. Curency, Portland, CR, Carabendo u.S. Osa AKA Visconed Lovez, Sergio, 08/2406 Bickham, Reginald, Manilla, Marcellino, 08/30/06 NORTHERN DISTRICT OF INDIANA De-DEA-172475, \$4,095.00 U.S. Ourercy, Michigen City, IN, Diggs, Christopher J., 0906.06 SOUTHERN DISTRICT OF INDIANA ickham, Reginald. SUUTHENN DISTRICT OF INDIANA
OF-DEA-472386. Remarqton Arms Model 592 22 caliber SemiAutomatic Rifle, Sen No B2549 57, VL 560.00, Clinton IN
Pruett, Donny, 08.170/6
OF-DEA-47255, S15.5550 00 U S Currency Rockville, IN
Swearingen, Jason, 0925/06 v. Janesville, WI , Superior, Wl. Price. Swearingen, Jason, 09/25/06 06-DEA-472699, \$9,177.00 U.S. Currency, Seymour, IN, Rose, Richard D., 08/29/06 06-DEA-472802, \$28,657.00 U.S. Currency, Lapiel, N. Jonos, chem, Jordan D., TOTACH OTECUTION OF THE MEMBERS, PA, PERRATUREZ GREEN, 91 1706
WESTERN DISTRICT OF PENNSYLVANIA

OF DEAL-AT2ST1, 1965 Bluck Regal, 1G4GMATASFP428388, Pitsburgh, PA, Pinketh, Demond, 0901106
OFDEAL-AT2GM, Kahr 9mm Piskol, Ser No YB6971, VL:
0+1004-AT2664, Tright Vall Scraph Vision Scope, VI. 10+1004-AT2664, Tright Vall Scraph Vision Scope, VI. 1129.00, Ser No None Recorded Leverett, WA, James, Joshua Allen, 0901106
OFDEAL-AT2668, Canna Pindo Primer, VL: \$400.00. Ser No unknown, Everett, WA, James, Joshua Allen, 0901106
OFDEAL-AT266, Canna Pindo Primer, VL: \$400.00. Ser No unknown, Everett, WA, James, Joshua Allen, 0901106
DEAL-AT266, Zasstrade Electronic Equipment, VL.
SE-910,00: (1) Canno Diopal Rebes XT Plus with 3 Less with 2 Lesnediser Plus Grees, Ser No EF-5000; (1) Francischer 201
LCD HD Television, Ser No TH42P55001, 11 Yestingfoliuse Plasma Monitor (1200/CTQ), Ser No 4056864. (1) Somo DCR
DVD 7 Carnocroter and Case, Ser No Unik, (1) Samsung LCD:
Camoorder with case Ser No Unik, (1) Samsung LCD:
Camoorder with case Ser No Unik, Everett, VA, James, Joshua Allen, (09) 1106 Robert (89426)

BODEN 472846, \$11.295.00 U.S. Currency, Tene Haute. IN, Rockoberry, Kenneth. 1983/108.

DISTRICT OF KANSAS

BERGY, Antiroty, 1941-1909.

BODEN 472250, \$11.793.00 U.S. Currency, Abuquerque. NM. Casallo Muyud. A. 1092-4016.

BODEN 477256, Kell Ter. Mortal P. 11.94M Smith Automatic. Protot with Mag. Ser. No. No. Serrel Number. V. \$125.00, Albuquerque. NM. Tenzass. Vector, 162.256.

BODEN 477256, \$320.00 U.S. Currency, Abuquerque, NM. Casallo, Hayden 6293/56. fotorcycle, Blake, Byfield Adolph 08/24/06 cy, Marou FL . Forsyth. GA, Brown. Ivin. 06:31/06 Castillo, Rigoberto, 08/23/06 06-DEA-47/2687, 2000 Kerworth Tractor, 1XKTUR9X7YJ833519, Alamopordo, NM, Mahid, Jess Felip, y. Barnesville, GA 08/31/06 08/30/06 06-DEA-472694, 1997 Dorsey Manne Trailer 1DTV1152 VA256935, Alamogordo, NM, Matird, Jess Felip, 3N63413DS43697 8118/06 Van. noa-Fara. Jesus DISTRICT OF NEVADA 06-DEA-472471, \$9.802 60 U.S. Currency Feno. NV. Caldiero. AKA Medina ie 08:16:06 , College Park, GA 06-DEA-472656, \$8 000 00 U.S. Currency, Reno. NV, Vernon. Atanta GA McDay. 06-DEA-472808, \$10,000 00 U.S. Currency tas Vegas, NV Chester, Carl (28150)
NORTHERN DISTRICT OF NEW YORK
06-DEA-47212S, \$5.430.00 U.S. Currenty, Dealt NY.
Shojatany, Ountand, 06.1406
SOUTHERN DISTRICT OF NEW YORK
06-DEA-471813, Some J.S. Currency, Eucosaraelt, U.S. VL.
\$1.400, New York, NY, Shrink, Michamed 37/2566
06-DEA-471914, \$830.01.00 U.S. Currency Harrison, NY, Alva, Incep. B. (8) 11747. Atlanta GA Affanta GA Clinton z LaGanoe, GA oy Becatur GA Jose R., 98 11/06 **06-DEA-472098, S**3,505 00 U.S. Currency Middletown, NY Augusta, GA, Gorzalez, Juan 08/10/06 06-DEA-472185, \$11,000 06 U.S. Currency, New York, NY, Torres Leona, 06:25.06 06-DEA-472190, \$4,000.00 U.S. Currency, Naw York, NY up Truck, teo, Judith Ann and Torres, Leona, 98/25/96 06-DEA-472200, \$41,400 00 U.S. Gurrency, New York, NY, E. GO-DEA-47298, 1990 Merceles Berd 2004.
WIDEDD07559R015566, Sout Albans, WV Blake Byteld
Anolph AKA Black Devin AR, Blake Devin 06/24/66
06-DEA-472415, \$11 120:00 U.S. Currency, Saint Albans, WV
Bolding Ar, Branch AKA Black AB, Black Devin 06/24/66
06-DEA-472415, \$11 120:00 U.S. Currency, Saint Albans, WV
Bolding Ab, Branch AKA Blackwell, Devon AKA Brave, Devon
186/24/66 Barncada, GU. Ain Qiang, 06:24:06 06-DEA-472536, \$4,196:25 U.S. Currency, Modiletown, NY, Harrigada, GU. Clark, Anthony, 38 10'06 WESTERN DISTRICT OF NEW YORK West Jehn DISTRICT On New Yorkh 6-DEA-472214, \$14, 480,00 US Currency "Achester, NY, Bezares, Samuel, 09:24-00 6-DEA-47222, \$7,767,00 US Currency, Hochester NY, Durby, Frednick, 06,25,00 6-DEA-47246, 2003 GMC Yulvon Lienal), 16KFK958/83.177695, Buttalo, NY, Edwards Jr., Thomas, no.eccy. ction TV VL: GU. Mateo, Judith

NORTHERN DISTRICT OF OHIO

06-DEA-471795, \$25,980,00 U.S. Currency, Ezrain, OH. Bizudicida-Torrez, Noc AKA Ricata-Torres, Amando AKA Bicaba-Torres, Noe AKA Rivera, Amando AKA Rivera, Armando S. AKA Riuvalkuba-Torres, Noe AKA Torrez, Riavis,

Stati O Ann Balles Statin vertice which creative than Calles AAR Rechiques 1 Jane 7, 68 TOG 06-0EA472341, 86,500,000 U.S. Currency Cleveland C.H. Aleman, uses AAR Shorty, 68 TOG 06-0EA472343, \$1,066,000 U.S. Currency Brickpers, OH Aleman, Lock AAR Shorty, 68 TOG 06-0EA472392, 505,956,000 U.S. Currency Cleverano OH, Poss Curv AAR Pose, Com 10, AKA Poss Cory E. AKA Russ Con Plant AAR Value Corr, 69,5200

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Fort Dodge IA

THIRD NOTICE
LAST DATE TO FILE NOVEMBER 23, 2006
PLACE SEIZED, SEIZED FROM. DATE SEIZED

Waters, Alecia, 09 11 06 SOUTHERN DISTRICT OF WEST VIRGINIA

MIDDLE DISTRICT OF ALABAMA MIDDLE DISTRICT OF ALBAMA

60-6D-6A-71806 S.152 (20 U.S. Currency, Montgorriss, AL.

Jones Harry Edward, 080 (8) (2) Currency, Montgorriss, AL.

Menth, Jacquard 1, 26 25 (2)

60-6D-6A-472249, 55 27 (2) U.S. Currency, Montgorriery, AL.

Menth, Jacquard 1, 26 25 (2)

60-6D-6A-472249, 55 27 (2) (2) Currency, Montgorriery, AL.

Mons Status of 26 20 (2) S. Currency, Montgorriery, AL.

Mons Status of 26 20 (2) S. Currency, Montgorriery, AL.

Mancal Phalie. In 80 (2) (3) Armando G. Arich Audiciator Lintes Note and Control 1981.

86.37%: 06-DE A-472150. St. 802 CH U.S. Current, Cleveland. OHSngsth, Ernest AKA Cristob, Ernest J. AKA Cristoby II. Ernest
AKA Sngsby II. Ernest J. AKA Grysby V. Ernest AKA Grigsby
Ernest J. AKA Grysby V. Ernest AKA Grysby
Ernest J. AKA Grysby V. Ernest J. Bress AKA Grysby
Ernest J. AKA Grysby V. Ernest J. Bress J. AKA
Grysby Ernest J. AKA Grysby V. Ernest J. AKA
Grysby II. Ernest J. AKA Grysby V. Ernest
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Lares AKA Grysby V. Ernest J. AKA Grysby V. Ernest
Lares AKA Grysby V. Ernest J. AKA Grysby V. Ernest
Lares AKA Gr Hartwell, Phillip 05:30:26 NORTHERN DISTRICT OF ALABAMA 06-DEA-471955, \$4340:30 U.S. Currency, Jaspen, Al., Garne Charles, 56 29/06 06-DEA-472071, \$13 024 40 U.S. Currency, Bessemer, AL

Abdulahe, Jamal, 08/23/36 06-DEA-472342, 1998 Ford Explorer, 1FMZU 39ETW/2B76646, Hoover, AL. Romero Ficardo, 08/22/96 EASTERN DISTRICT OF ARKANSAS 06-DEA-472141, 1996 Enico - Navigator, 5LMPU28L1WU91700 - Jacksommie AF, Eliis Lavar, 08 24 05 WESTERN DISTRICT OF ARKANSAS 06-DEA-472425, S62 000 00 u.S. Gunenci, Faverteine, AP. Hodge, David 08 31'06 Hodge, David 08 31 '06 DISTRICT OF ARIZONA 06-DEA-471042, \$13 178.35 U.S. Currency in Injury 11016 W. Fight Lana Avondale, AZ. Medina, Letion 07 1796 06-DEA-472072, -21 Assorted Weapons, VL. \$285.00 (11)

of their names in this notice necessarily met Remirgion Rifle Model 7400, 270 Calber, Ser No B8449504; 1) Ruger Revolver 22 Caliber New Model Single-S., Ser No 83-0120, Phoenix A.Z. Rochin-Barraz, Dora (89/29)6 96-0E-A-17210, 570 (2000) 01 S. Ourency, Phoenix A.Z. Rochin-Barra, Dora, (89/22)6 96-0E-A-17210, 2002 Carillian Escalade. 10/EVE/SNZ/R103214, Phoenix A.Z. Chavez-Burgos, Blanca Estola AKA Chevez-Blanca Estola, (89/22)6 96-0E-A-17210, 2006 Dodge Charger R.T. ESSH ASS-97-RH22209, Phoenix A.Z. Chavez-Burgos, Blanca Estola AKA Chravez, Blanca Estola, (82/20)6 96-0E-A-17210, Ruger PP4 40 Caliber Seri-Nutomalic Pistol. Ser No 241349-8. VI. S165:00. Phoenix A.Z. Validenego, Innetta Guardalipo. 38/1109 60-0E-A-17210, Surregiled Armony PX-40 Handgun with two Magannes and Holster, Ser No US 477361, VL 55:00. TUSSON, A.Z. Det Rivo. Marus Holsterio, (878)06 CENTRAL DISTRICT Or CALIFORNIA 96-0E-A-17212, 2001 Mercedes S55 MNG.

96-DEA-471982, 2001 Mercedes S55 AMG WDBNG73JC1A204600, Costa Mesa, CA, Torres, Eliphelet.

ue: Yruc 06-DEA-41985, Washington Mutual Bank, Account #03470380, VL \$6,000 00, Hawthorne, CA, Wright, Lloyd Gartield 08:17:05

Gerfield, 08:17/06 06-DEA-471986, 2007 Cadillac Escalade AWD SUV, 1GYFK638478154705, Santa Ana, CA Barajas Torres, Elodia,

18-17/06
DER-A71939, 2006 Mercedes 5900,
WDBNGTAK66A61551, Costa Mesa, CA, Torres, Eliphelet,
sechal Andew woodcoor
G6-DEA-A72018, 2009 Foot Explorer, 15MZUECE2UAS8011.
Arxida CO Sanca Abel Alejandro Ramirez AKA David AKA
Cspr-Sanca Ulless, 981750. Castro-Garda Urises, utili 10 utili DISTRICT OF COLUMBIA 06-DEA-472035, \$23,990,00 U.S. Currency, Washington DC.

Berbard 2008, 223-240 of 0 St Contenty Washington CV.
Parks: 8th Phys. (2210-16)
MIDDLE DISTRICT OF FLORIDA
06-DEA-47200 N PB-pallion DV 1900, Set No CNF51471V,
V. 51239-9. Orlando, FL. Paquet 1/sm Gwenael, 08110,
06-DEA-47208, V. M. Mocollanous Elections Equipment, VL
53 842.00, (1 Pricards FLM-3738 37 LCO, Set No
DCGRUP181-090027 V, 11 jb co 27 Webschool, CV-pricards PLM-3738, 37 LCO, Set No
DECE 12/35/3575, (1) Hir Drompac Persain Velochool,
VESTSUS CTO VECO, Set No CNF42/349, Orlando, FL
Marro JI. Santiago and Moss. Abraham and Tubbs, Bobby
Jamon, 08/5030. Jaymon, 08°03°06 06-DEA-472337, \$4,280.00 U.S. Currency Oriando, FL, Sierra-

Calv Christian 09:23/06 06-DEA-472339, 1992 Chevrolet Corvette Coupe TG1YY23P5N5116667, Orlando, FL. Reyes, David 08/23/06 NORTHERN DISTRICT OF FLORIDA

NORH TERM DIS HILL OF FLORING OF DEPARTMENT OF THE RESEARCH AND A STATE FROM THE Electrical Paul and Lopez, Sleven Paul and Ricucquez Vincent Sleven 09/2006
6-05-47223, 1997 Toylata Carmy XLE.
4716022447U798710, Tollahassee, FL. Bennett IIII. Pichard, professor.

THERN DISTRICT OF FLORIDA DEA-461589, 2000 41 Silverion Yacht Vessel "Jenny's No STND0248800037C, Mignii, P., Boyer, Andre Alex.

06-0EA-471278, \$1,795.00 U.S. Currency Miami, FL, Dang, Humband, 58 12 06 06-DEA-472350, 2000 Mercedes-Benz S-500, WDE (C75...T) A041449, Merce, FL, Tran. Phong Thanh,

MIDDLE DISTRICT OF GEORGIA

MIDDLE DISTRICT OF GEOFIGIA DE DEA-472067, S174,880,00 U.S. Currency, Valdosta, GA, Pue c. At pie Amir and Sika-Martinez, Roberto Enrique AKA Andujar Christian Roberto, 08/09/06 06-DEA-472278, 2000 Nissan Frontier, M6ED26/87/C360014. vadosta, 64 Cominguez Jose sabel Fenaloza, 68 21/06 06-DEA-472428, 55.641.90 U.S. Currency, Byron, GA, Thomas, Eugens William 4KA James Jr., Rocert Les. 08 30/06 NORTHERN DISTRICT OF GEORGIA

NOTITION USHILL OF SEUROIA 60-EEA-471959, Bank of America, Cashiers Check 8045309, 11 595,55 5 Librum, GA, Freeman, Tonny Lee, 05-13-06 06-DEA-472208, 59-3-45 U.S. Currency, Disum, GA. Freeman, Tyrn, Lee, C3,15-06. Third, Lee 12 (Fulk.)

OB DEA47259, 5229 799 90 US Cursency Necross, G4. The Estate of Uncafforase Lius and Journal-Postic Floridalma and bursus-titues Skribe 8 (15 0).

OB DEA472427, 544 COUS Cursency Allanza GA Scott of Invest and ordain Massmillor. 08/30 (6).

OB-DEA472440, 51 082 00 US Cursency Allanza GA Icedan. Hattenbook 930.

06-DEA-472441, \$1 200 00 0 S Currency, Atlanta, GA Scott

Michae, Gröd C6
66-DEA-472494, 1998 Molcup, Willager Min Van
47227-119471-15526 Bubth GA, Velence-Fras Jerus
Aleumer And Rednie Emitige Rodrigue, ARA Mellos
Entrole Richipse AAR Rodrigue Eminge, Gi 1606
06-DEA-472527, S1 15920 CL S Current, Atlanta RA Mora Figurier Automo, 06 28°C6 06-DEA-472565, 2006 famana VX110 Wavolunnor Se No FAMA11001506 Gamesville GA Greitena Arturo 03 17°06

PAMATIOSISSE Gamesville GA Grentena Arturo 02:17 DISTRICT OF HAWAII 06-DEA-472106, \$35,100,00 U.S. Currency Honoldu, HI Forester Highard 06/24/06 06-DEA-472638, \$195/99 (0.40)5 Currency, Horistotic, Ho

SOUTHERN DISTRICT OF IOWA

06-DEA-471902, \$153, 950 00 U.S. Currency, Redfield, IA, Ingram, Nigel Garfield and Thomas. Glenford isidore, 18:09:06

06-DEA-471902, \$153, \$65 00 U.S. Currency, Healtesh IA, Ingrant, Nigel Garbert and Thormas Genford isidore, \$18,0906 NORTHERN DISTRICT OF ILLINOIS OP-DEA-471806, 1995 Honda Account, 114GCD7256SAN51192, La Grange IL, Campos Guilberto Angel, 07-1305. 06-DEA-471808, 2000 Che-rofler Traditativa: (SNDT135242300578, Aurura, IL, Campoe, Gualterto Angel, 0715196.

07/1306
6-DE-472204, S7,509,60 U.S. Currency, Miclothian, L. Adengebi, Adeyeni Akarbi, 0816:06
08-DE-472212, S103,470,00 U.S. Currency, Chicago, IL. Moniaho, Adan, 1987,106
06-DEA-472405, 2005 GMC 3500 with fifth winest hauter. 1GDJK34235E155921 Lansing, IL, Sebastian Sr., Victor,

08/13/06 06-DEA-472418, 2004 Nissan Titan Pick-up. 1N6A406A14N502605, Chicago, IL. Villa, Juan, 08/23/06 SOUTHERN DISTRICT OF ILLINOIS OG-DEA-472378, 2001 Ford Ranger XLT 4X4, IFTZR 15E71TA89265, Township 13s-r 6e, IL. Adams, Richard T. Ostrono

NORTHERN DISTRICT OF INDIANA NORTHERN DISTRICT F MOIANA

6-0EA471759, 2001 Suzuk GXH 1000cc Molorcycle.
JS10W71A812102403 Fort Wayne In: Tell IL Leoine 08:02:06

8-0EA471862, 1997 GMC Sterra 1509 Pilotup.
2GTFX19R9V155388. Fort Wayne IN: Tell II. Leoine
08:02:06-0EA471863, S2,026:06 U.S. Currency, Mishawaka II.
Winhouli, Anhewe, 68/H405

08-DEA471844, S5,000.00 U.S. Currency, Mishawaka III.
Stetze, nermi of vinosi.

WESTERN DISTRICT OF MISSOURI

WESTERN DISTRICT OF MISSOURI
OF-DEA-1717E, 1849 e20:00 U.S. Currency, Camdentor, M.O.
Ammeman, Michael, 08:03:06
OF-DEA-47177E, 1989 Exception Box Trailer,
IDWIAI02099599866, Balas County, M.O. Avala, Puren and
Curroz, Arrullo, 08:08:06
OF-DEA-471817, 1986 Feightliner Semi-Tractor,
2FUYDXYBXTA4504023, Balas County, M.O. Avala, Puben and
Curroz, Arrullo, 08:08:06
NORTHERN DISTRICT OF MISSISSIPPI
06-DEA-457410, 551 300:09 U.S. Currency, Sardis, M.S., Monton,
Marcell, 05:09:00

I. 05/02/06 Hern district of Mississippi

9-06-DEA-470046, 588,725.00 U.S. Currency, Raymont, MS. Garcia, Maximino Loredo, 0627/06
06-DEA-470992, 549,959.00 U.S. Currency, Laurel, MS. De La Rora More Generals, 973,703.00 Rosa Vera, Fernando, 07/22/06 06-0EA-472116, \$20,000.00 U.S. Currency, Gulfport, V.S.

Castele, Issac Duran, 08 14/06 06-DEA-472128, \$1,000.00 U.S. Currency, Biloxi, MS. Exportal Palace Hotel, 08 18:06 DISTRICT OF MONTANA

06-DEA-472401, 1999 Jeep Cherokee, 1J4GW58S8XC535810. Wake Forest, N.C., Yadra-Lorez, Yesenia, 18924/06 06-DEA-472413, 1997 BMW 7400, WBAGJ8572/UMM0644. Raleigh, N.C., Sanchez-Africaz, Fernando, 08-29/06 MIDDLE DISTRICT OF NORTH CAROLINA

MIDDLE DISTRICT OF NORTH CAROLINA
6-DEA-1723S, STIGES 69. S. Currency, Sentrud. N.C. Hocker
Eliqui Lasandus, 08/25/09
6-DEA-17230S, 51/26/09. S. Currency, Winelein Salom. N.C.
Nesmeth ut John Wayne. 98/35/198
0-DEA-17230S, 2002 Volvo, 580, 19 v 17592/D72414026.
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Beryes, Judysatan Dole, 16/3-10/26.

Bross, Johnstan Cot. (5.3106)
WESTERN DISTRICT OF NORTH CAROLINA
06-DEA-472302, \$9,000,00 U.S. Currung, Hendersonwie, N.C.
Prade-Sandesa: Dera honende 36-1106
DEA-472302, \$49,000 U.S. Current, Horse Stite, N.C.
Reises/Morales, Octavio AsiA Nichares-Aguira (Eraulio, 15-1706)
DERFORMER, DERBORGIA.

08-DEA-472340, Sel-490 BUILD SCUTIERS, MIRCE SICK INC.
BREASSAIDERS, CONTRO ANA NABIOSE-AQUIST PEDIA-05 (7-106)
DISTRICT OF NEBRASKA
06-DEA-471763, S.5.505 69 US Currency Douglas Cruthy INFArredrods Steven ANA Methal Gards, Jose vill \$1.06
DEA-488442, S.4.914-64 U.S. Currency, Laudria, NHHegarcard, Mahadel 5076-19
06-DEA-471700, S.5.005 00 U.S. Currency, Fredhort INFBraille Mark of 1996.

Daigle Mark, 97 19'05 06-DEA-471727, \$10,400.00 U.S. Currency Bedford NH, Unident/fied 07/24/36 06-DEA-471746, \$8,160/00 U.S. Currency, Bodford Nits 06-DEA-472112, \$906 00 of 5 Culrency, Bedford NH

06-DEA-472117, \$1,200 00 U.S. Currency Budlord No

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Lopez, Daniel. 08:32 06 NORTHERN DISTRICT OF TEXAS 06-DEA-472719, \$19.975-00-U.S. Currency, Dallas, TX. Frentes, Oscar, 0.718'06 SOUTHERN DISTRICT OF TEXAS

05-DEA-458102, Smith & Wesson Model 3913TSW, Handgun Scr No MSE7974, VE \$490 00, Houston, TX, Banda, Alberto,

06 DEA-471339, 548 730 00 U.S. Currency, Resemberg, TX

66 DEA-471339; 59 73010 U S Currency, Rosenberg, TX Grace Angel Altro (181926) Ge-DEA-471404; 59 8500 U S Currency, Mission, TX, Lludrica; Edwin, (7.2806) Ge-DEA-47182; 99 8500 U S Currency, Mission, TX, Lludrica; Edwin, (7.2806) Ge-DEA-471852; 996 Dodge Durango, 184H528Y4WF203740, Laredo, TX, Pena-Romeio, Educardo, 08/1706 Ge-DEA-472011; 999 Freydifferes Semi-Tacidor, 1914/SSER9VIUS-8160 Laredo, TX Dovalina Jr, Conrado, norzonia.

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Anthony Levels, Ct. 25 do DISTRICT OP UT AH 06-DEA-472479, Eeretra 910BS, Ser No BR07241 Pistol, VL 2000 S. Cacora, U.f. Raza-Cuevas, Antonio, 07/21/06

concentrations, pereits 95 CBS, Ser No BR07241 Pietel, VL-S7000 St Fleetop - U.F. Pour-Coeves, Annone, 072106 EASTERN DISTR CT OF VIRIGINA 06-DEA472184, 16-647-00 U.S. Currency, Manassas, VA. Hues, Lue S. and Chacur. Fabrus 09-8766 WESTERN DISTR CT OF VIRIGINA 06-DEA472201, 721-956-00 U.S. Currency Bristol, VA. Terry, Sharanda Lannes, 36-1956 06-DEA472223, 54-900-00 U.S. Currency, Martinsville, VA, Harston, John Henry, 05-28-06 DISTRICT OF VERMONT

Hussian, John Hei zy, US-206 U.S. Currency, Martinsville, VA, Hussian, John Hei zy, US-2606 DISTRICT OF VERMONT OC-DEA-471999; 55:55:80 U.S. Currency, Williston, VT, Johnson Nameley sy Shuith AVA Johnson, Shariff 08/16/06 06-DEA-472105; Salas of VT Rubard District Court Check et 25:52: VL 5:24:00 200, Rutfard VT Fullard Vermont. The Click of the Rutland District Court. 08/19/41 Fullard Vermont. of the Rutland District Court 88/24/06 EASTERN DISTRICT OF WISCONSIN 06-DEA-468296, 1,000 Decga Stratus SE 153EJ46X17N221566 Grean Bay WI Watts Jeffrey J.,

CONTROL NO. 1 Stands Technic Check #510367978 Ser No. 1 & 510367978 Ser No. 2 & 51036798 Ser No. 2 & 5103679 Ser No

Rechaul, Lus 06: 2506 66-DEA-472212, \$17.513.00 S. Currency, Milwackee, Wr. Juhnson, German B. 56.30 S. 06-DEA-472316, \$25.216.00 S. Currency, Milwackee, Wr., 67.10 Charles 5.106, \$200 S. Currency, Milwackee, Wr., 06-DEA-472359, \$3.734.00 S. Currency, Milwackee, Wr.,

V.Lifus Carnet (1830/6) WESTERN DISTRICT OF WISCONSIN 06-DE4472189, 16-916-00-US Currency Medison, Wil. Frages, Timorro, 08-30-00 66-DE4472377, 12-92-00-US Currency Medison, Wil. Webster, Cordy D. 093/1-16.

The property listed above is NCT for sale. The DEA DOES 1/11 self-terfed indoes is not the DEA DOES NOT have information on process, for size.



ATTORNEYS AT LAW

524 South Union Street Montgomery, Alabama 36104 Telephone: (334) 834-2000 Facsimile: (334) 834-2088

Winn Faulk Joe M. Reed

October 25, 2006

Forfeiture Counsel Asset Forfeiture Section Office of Operations Management Drug Enforcement Administration HQ's Forfeiture Response P.O. Box 1475 Quantico, VA 22134-1475

RE: Asset ID#'s 06-DEA-471966

To Whom It May Concern:

Enclosed you will find documentation claiming certain property held by the United States Department of Justice, Drug Enforcement Administration under asset ID# 06-DEA-471966. This communiqué is the claim pursuant to 18 U.S.C. 983, to contest the impending forfeiture action as well as request remission of the forfeiture.

There is currently an action already pending regarding the seized funds in the Circuit Court of Montgomery County which has jurisdiction of the matter given the fact that the parties who initially seized the funds currently held by the DEA were police officers employed by the city of Montgomery, Alabama. No drug charges of any sort were filed against the claimant prior to or since the seizure of his cash. Such action was filed on August 21, 2006, a copy of which is included.

Moreover, the funds are not subject to forfeiture under Title 21 U.S.C. 881 because the money was not used or acquired as a result of a violation of the Controlled Substances Act (21 U.S.C. 881) as the defendant was not arrested for a violation of the Controlled Substances Act, or an attempt to violate the act, or a conspiracy to violate the act in connection with the seized funds by any state, local or federal agency. Therefore, the claimant is requesting remission of the seized funds and demands its immediate return.

Sincerely,

Attorney for Claimant Jacquard Merritt

Enclosure

EXHIBIT

# **AFFIDAVIT**

Before me, the undersigned Notary Public, in and for Montgomery County, Alabama, personally appeared Jacquard Merritt, who being duly sworn, deposes and says as follows:

To Whom It May Concern:

My name is Jacquard Merritt. I am a United States citizen and a resident of Montgomery, Alabama. I am the rightful owner of \$8,000.00 in United States Currency seized by agents of the Drug Enforcement Administration on July 26, 2006, held under asset ID# ()6 DEA 47196 hereby lay claim to this property as possessor and owner. I make this affidavit under oath, subject to penalty of perjury (Title 18 USC 983(a)(2)(c).

Jacquard Merritt

Sworn to and subscribed before me this <u>30</u> day of September, 2006.

Notary Public Notary Public

My commission expires: April 27, 2016

2006 OCT 31 PM 3. 35

# IN THE CIRCUIT COURT OF MONTGOMERY, COUNTY

JACQUARD MERRITT	*	
Plaintiff,	*	
<b>v.</b>	<b>*</b> .	cv- <u>06-2215-</u> R
CITY OF MONTGOMERY,	*	
ARTHUR BAYLOR, Chief of Police,	*	
individually and officially,	*	2
T.D. JAMES, individually, and officially,	*	2006 AUG
HENRY DAVIS, individually, and official	lly,	7 23 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
Unnamed Montgomery Police Officers,	*	
individually and officially.	*	#: 12 
Defendants.	*	

# TEMPORARY RESTRAINING ORDER AND MOTION FOR RELEASE AND RETURN OF SEIZED MONEY

The claimant/plaintiff, Jacquard Merritt, by and through the undersigned, moves this court for a Temporary Restraining Order releasing and returning to him certain personal property to wit: eight thousand dollars (\$8,000.00) belonging to him and seized by the City of Montgomery Police Department, or its agents. As grounds for this the claimant shows the Court the following: Verification Montgomery County State of Alabama,

Before me, Kevin Snyder, A notary public, in and for said count and state, personally appeared Joe M. Reed, attorney for the above-named plaintiff, who being first by me duly sworn doth depose and say that the facts stated in said Petition, and those facts set forth herein are true:

- My name is Joe M. Reed, and I have been a practicing lawyer of the Alabama Bar Since September 1997, currently having offices in the firm of Faulk & Reed, LLP, 524 South Union Street, Montgomery, Alabama 36104
- The claimant is the lawful and equitable owner of the money made the subject of this proceeding. The claimant has informed the City of this fact.
- 3. On or about July, 28, 2006, Officer T.D. James and other unknown officers of the Montgomery Police Department Narcotics Squad, know as "JumpStreet", observed the plaintiff leave a residence in a neighborhood where, police aver drugs are known to be bought and sold.
- 4. At best, Montgomery Police Officers suspect that Mr. Merritt is the source of some alleged cocaine trafficked in the city of Montgomery. However, no law enforcement officer has arrested Mr. Merritt and charged him in connection with a controlled substance crime derived from that suspicion. Furthermore, evidence supporting probable cause to issue a warrant for his arrest on such conduct or to search of any property associated with Mr. Merritt, has not been issued by a magistrate or judge.
- 5. Observing no traffic violations, or unusual activity that would indicate that criminal activity was afoot, Montgomery Police Officers stopped Mr. Merritt, drew their weapons and pointed them at his head and body.
- 6. Upon stopping Mr. Merritt, Montgomery Police Officers ordered him from the vehicle, wherein they physically removed him from the vehicle, and placed him against said vehicle and proceeded to pat him down.

- 7. The pat down search did not reveal any contraband or illegal substance, however it did reveal approximately eight thousand dollars in cash.
- 8. Mr. Merritt was handcuffed, and placed in the rear of a patrol car by officers unknown at this time.
- 9. Having no reason to believe Mr. Merritt was in possession of a weapon or other contraband, or had committed any crime, Montgomery Police Officers illegally searched Mr. Merritt's vehicle, without probable cause or exigent circumstances. The search merely revealed a video camera and cellular telephone.
- 10. Discovering no contraband on Mr. Merritt's person or in his automobile, the police could not charge Mr. Merritt with a crime. Nevertheless, they continued their illegal detention of him and transported him against his will to Montgomery Police Headquarters for interrogation.
- 11. None of the defendants the time of the above mentioned stop and search possessed a warrant issued by any judge, court, or magistrate authorizing the stop and search and arrest of Mr. Merritt or his vehicle. Only after arriving at the police station and after Mr. Merritt refused to speak to police officers was it determined that Mr. Merritt had 2 outstanding misdemeanor warrants for his arrest from Montgomery County.
- 12. Mr. Merritt was released from custody and at a later date contacted the Montgomery Police Department and requested the return of his cellular telephone, video camera and eight thousand dollars in cash.

- 13. Mr. Merritt was instructed to come to narcotics headquarters and speak to Officer James, wherein his cellular phone and video camera were released. However, when Mr. Merritt inquired about the return of his eight thousand dollars, Mr. Merritt was chastised by Officer James, and threatened with a "conspiracy charge" if he persisted in his attempt to recover his funds, when James stated "you don't need to worry about that (referring to the currency), your lawyer is bullshitting you and you're going to get a conspiracy charge on you. We're gonna do a federal indictment on you…"
- 14. Narcotics Officers, known as "JumpStreet" have engaged in, and continue to engage in a widespread pattern and practice of harassing illegal stops and searches of young African-American males, in the city of Montgomery, whom they profile and label as "drug dealers".
- 15. The money was not intended to be used in violation of Section 20-2-93 of the Alabama Code, 1975, as mended, nor can the city make a probable cause/prima facie showing of a violation.
- 16. Montgomery Police Officers, specifically Officer T.D. James, have no probable cause to seize the plaintiff's currency. Such seizure is not meritorious, as the police department cannot connect the currency, nor the claimant with any controlled substance violation involving the currency, which could justify a seizure.

- 17. Although the claimant has continued to lay claim to the money, it remains in the custody of the City of Montgomery or its agents, therefore interfering with, and preventing the claimant's right of dominion over and use of the money and thereby depriving him of his property without due process of law in violation of the Fourteenth Amendment to the United States Constitution and Article one Section IV of the Alabama Constitution. The claimant is destitute and is suffering irreparable harm.
- 18. Plaintiff has a substantial likelihood of prevailing on the merits due to the lack of justification for seizing the plaintiff's money.

Wherefore, the claimant moves this honorable court for a temporary restraining order returning the defendant's money until a hearing on the matter, to determine if probable cause exists to forfeit the currency, at the court's earliest convenience, and after such hearing, enter its final order restoring all rights to and possession of the money to the claimant.

Sworn to and subscribed before me this day of August, 2006...

My commission expires: april 27, 2018





Office of Operations Management Quantico, VA 22134-1475 HQ's Forfeiture Response Asset Forfeiture Section Forfeiture Counsel P.O. Box 1475

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Drug Enforcement Administration

# Case 2:07-cv-00627-WKW-TFM

# Document 8-2<sub>S</sub>. Departr 1 of Justice 23 of 46

Drug Enforcement Administration Office of Operations Management

www	v.d	ea.	gov

November 8, 2006

# **CERTIFIED MAIL/RETURN RECEIPT**

Jacquard Merritt c/o Joe M. Reed, Esq. Faulk & Reed, L.L.P. Attorneys at Law 524 South Union Street Montgomery, AL 36104

ASSET ID NUMBER	CASE NUMBER	PROPERTY DESCRIPTION
06-DEA-471966	KI-06-0058	\$8,000.00 U.S. Currency
JUDICIAL DISTRICT:	Middle District of Alaba	ma

## Dear Claimant:

	Orug Enforcement Administration (DEA) has received claim and/or petition regarding the e-referenced asset. The following information is provided:
	Your claim has been accepted and this matter has been referred to the United States Attorney for the Civil Division in the judicial district noted above. Please direct all inquiries regarding this matter to that office.
	Your claim and petition have been accepted and this matter has been referred to the United States Attorney for the Civil Division in the judicial district noted above. Please direct all inquiries regarding this matter to that office.
	Your petition, which was previously acknowledged, is now being handled by the United States Attorney for the Civil Division in the judicial district noted above. Please direct all inquiries regarding this matter to that office.
XX	Your claim for the above referenced property is being <b>returned</b> because it was received <b>in this</b> office after the last date to file, which was <u>October 25, 2006</u> .

ľ		EXHIBIT	
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ı	<b>1</b>	9	

BY: KJ AD CODE: 891

-2-

- Petitions for Remission and/or Mitigation of forfeiture may be filed until the date the property is disposed of according to law. Since you also submitted a petition, this office will administratively rule on your petition. It is anticipated that this process will take a minimum of **120 days** before a decision can be rendered on the merits of the petition. Please be assured that all petitions are handled on a "first-in, first-out" basis.
- Although you did **not** file a Petition for Remission and/or Mitigation along with your claim, as a matter of discretion, we will allow you **twenty (20) days** from the date of receipt of this letter to file a petition for an administrative ruling by this office before the property is disposed of according to law. Please note that your petition must be sworn to under penalty of perjury. For your ready reference, the acceptable language required by statute is as follows:

"I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date) (Signature)".

Please ensure that all documents and correspondence regarding this matter reference the DEA asset identifier and case numbers noted above and, unless otherwise directed, be addressed to the Forfeiture Counsel, Asset Forfeiture Section, OMA, Drug Enforcement Administration, HQ's Forfeiture Response, P.O. Box 1475, Quantico, Virginia 22134-1475. Correspondence sent via private delivery must be sent to the Asset Forfeiture Section, OMA, Office of Operations Management, Drug Enforcement Administration, 2401 Jefferson Davis Highway, Alexandria, Virginia 22301.

Sincerely,

Asset Forfeiture Section, OMA

Office of Operations Management

CLAIM.ACKNOWLEDGE.LETTER (SEPT. 04)



Winn Faulk Joe M. Reed ATTORNEYS AT LAW

524 South Union Street Montgomery, Alahama 36104 Telephone: (334) 834-2000 Facsimile: (334) 834-2088

October 25, 2006

Forfeiture Counsel
Asset Forfeiture Section
Office of Operations Management
Drug Enforcement Administration
HQ's Forfeiture Response
P.O. Box 1475
Quantico, VA 22134-1475

RE: Asset ID#'s 06-DEA-471966

To Whom It May Concern:

Enclosed you will find documentation claiming certain property held by the United States Department of Justice, Drug Enforcement Administration under asset ID# 06-DEA-471966. This communiqué is the claim pursuant to 18 U.S.C. 983, to contest the impending forfeiture action as well as request remission of the forfeiture.

There is currently an action already pending regarding the seized funds in the Circuit Court of Montgomery County which has jurisdiction of the matter given the fact that the parties who initially seized the funds currently held by the DEA were police officers employed by the city of Montgomery, Alabama. No drug charges of any sort were filed against the claimant prior to or since the seizure of his cash. Such action was filed on August 21, 2006, a copy of which is included.

Moreover, the funds are not subject to forfeiture under Title 21 U.S.C. 881 because the money was not used or acquired as a result of a violation of the Controlled Substances Act (21 U.S.C. 881) as the defendant was not arrested for a violation of the Controlled Substances Act, or an attempt to violate the act, or a conspiracy to violate the act in connection with the seized funds by any state, local or federal agency. Therefore, the claimant is requesting remission of the seized funds and demands its immediate return.

Sincerely,

Attorney for Claimant Jacquard Merritt

Enclosure

# **AFFIDAVIT**

Before me, the undersigned Notary Public, in and for Montgomery County, Alabama, personally appeared Jacquard Merritt, who being duly sworn, deposes and says as follows:

To Whom It May Concern:

My name is Jacquard Merritt. I am a United States citizen and a resident of Montgomery, Alabama. I am the rightful owner of \$8,000.00 in United States Currency seized by agents of the Drug Enforcement Administration on July 26, 2006, held under asset ID# Ob DEA 47195 hereby lay claim to this property as possessor and owner. I make this affidavit under oath, subject to penalty of perjury (Title 18 USC 983(a)(2)(c).

Jacquard Merritt

Sworn to and subscribed before me this <u>30</u> day of September, 2006.

Notary Public Notary Public

My commission expires: April 27, 2016

ZOOG OCT 31 PM 3. 35

### IN THE CIRCUIT COURT OF MONTGOMERY, COUNTY

JACQUARD MERRITT	<b>*</b>
Plaintiff,	*
v.	* cv-06-2215-R
CITY OF MONTGOMERY,	*
ARTHUR BAYLOR, Chief of Police,	*
individually and officially,	*
T.D. JAMES, individually, and officially,	7006 AUG
HENRY DAVIS, individually, and official	ally,
Unnamed Montgomery Police Officers,	*
individually and officially.	* 12
Defendants.	*

# TEMPORARY RESTRAINING ORDER AND MOTION FOR RELEASE AND RETURN OF SEIZED MONEY

The claimant/plaintiff, Jacquard Merritt, by and through the undersigned, moves this court for a Temporary Restraining Order releasing and returning to him certain personal property to wit: eight thousand dollars (\$8,000.00) belonging to him and seized by the City of Montgomery Police Department, or its agents. As grounds for this the claimant shows the Court the following: Verification Montgomery County State of Alabama,

Before me, Kevin Snyder, A notary public, in and for said count and state, personally appeared Joe M. Reed, attorney for the above-named plaintiff, who being first by me duly sworn doth depose and say that the facts stated in said Petition, and those facts set forth herein are true:

- My name is Joe M. Reed, and I have been a practicing lawyer of the Alabama Bar Since September 1997, currently having offices in the firm of Faulk & Reed, LLP, 524 South Union Street, Montgomery, Alabama 36104
- The claimant is the lawful and equitable owner of the money made the subject of this proceeding. The claimant has informed the City of this fact.
- 3. On or about July, 28, 2006, Officer T.D. James and other unknown officers of the Montgomery Police Department Narcotics Squad, know as "JumpStreet", observed the plaintiff leave a residence in a neighborhood where, police aver drugs are known to be bought and sold.
- 4. At best, Montgomery Police Officers suspect that Mr. Merritt is the source of some alleged cocaine trafficked in the city of Montgomery. However, no law enforcement officer has arrested Mr. Merritt and charged him in connection with a controlled substance crime derived from that suspicion. Furthermore, evidence supporting probable cause to issue a warrant for his arrest on such conduct or to search of any property associated with Mr. Merritt, has not been issued by a magistrate or judge.
- 5. Observing no traffic violations, or unusual activity that would indicate that criminal activity was afoot, Montgomery Police Officers stopped Mr. Merritt, drew their weapons and pointed them at his head and body.
- 6. Upon stopping Mr. Merritt, Montgomery Police Officers ordered him from the vehicle, wherein they physically removed him from the vehicle, and placed him against said vehicle and proceeded to pat him down.

Page 29 of 46

- 7. The pat down search did not reveal any contraband or illegal substance, however it did reveal approximately eight thousand dollars in cash.
- 8. Mr. Merritt was handcuffed, and placed in the rear of a patrol car by officers unknown at this time.
- 9. Having no reason to believe Mr. Merritt was in possession of a weapon or other contraband, or had committed any crime, Montgomery Police Officers illegally searched Mr. Merritt's vehicle, without probable cause or exigent circumstances. The search merely revealed a video camera and cellular telephone.
- 10. Discovering no contraband on Mr. Merritt's person or in his automobile, the police could not charge Mr. Merritt with a crime. Nevertheless, they continued their illegal detention of him and transported him against his will to Montgomery Police Headquarters for interrogation.
- 11. None of the defendants the time of the above mentioned stop and search possessed a warrant issued by any judge, court, or magistrate authorizing the stop and search and arrest of Mr. Merritt or his vehicle. Only after arriving at the police station and after Mr. Merritt refused to speak to police officers was it determined that Mr. Merritt had 2 outstanding misdemeanor warrants for his arrest from Montgomery County.
- 12. Mr. Merritt was released from custody and at a later date contacted the Montgomery Police Department and requested the return of his cellular telephone, wideo camera and eight thousand dollars in cash.

- 13. Mr. Merritt was instructed to come to narcotics headquarters and speak to Officer James, wherein his cellular phone and video camera were released. However, when Mr. Merritt inquired about the return of his eight thousand dollars, Mr. Merritt was chastised by Officer James, and threatened with a "conspiracy charge" if he persisted in his attempt to recover his funds, when James stated "you don't need to worry about that (referring to the currency), your lawyer is bullshitting you and you're going to get a conspiracy charge on you. We're gonna do a federal indictment on you…"
- 14. Narcotics Officers, known as "JumpStreet" have engaged in, and continue to engage in a widespread pattern and practice of harassing illegal stops and searches of young African-American males, in the city of Montgomery, whom they profile and label as "drug dealers".
- 15. The money was not intended to be used in violation of Section 20-2-93 of the Alabama Code, 1975, as mended, nor can the city make a probable cause/prima facie showing of a violation.
- 16. Montgomery Police Officers, specifically Officer T.D. James, have no probable cause to seize the plaintiff's currency. Such seizure is not meritorious, as the police department cannot connect the currency, nor the claimant with any controlled substance violation involving the currency, which could justify a controlled substance violation involving the currency, which could justify a controlled substance violation involving the currency, which could justify a controlled substance violation involving the currency, which could justify a controlled substance violation involving the currency.

- 17. Although the claimant has continued to lay claim to the money, it remains in the custody of the City of Montgomery or its agents, therefore interfering with, and preventing the claimant's right of dominion over and use of the money and thereby depriving him of his property without due process of law in violation of the Fourteenth Amendment to the United States Constitution and Article one Section IV of the Alabama Constitution. The claimant is destitute and is suffering irreparable harm.
- . 18. Plaintiff has a substantial likelihood of prevailing on the merits due to the lack of justification for seizing the plaintiff's money.

Wherefore, the claimant moves this honorable court for a temporary restraining order returning the defendant's money until a hearing on the matter, to determine if probable cause exists to forfeit the currency, at the court's earliest convenience, and after such hearing, enter its final order restoring all rights to and possession of the money to the claimant.

Sworn to and subscribed before me this day of August, 2006...

My commission expires: april 27, 2018



2:07-cv-00627-WKW-TFM	Documents-2	Filed 09/05		Page 32 of 46	
Complete items 1, 2, and 3. Also con			B. Receiv	A. Signature  X   C. Date of Delive  B. Received by (Printed Name)   C. Date of Delive  C. Date of Delive  D. Is delivery address different from item 1?   Yes  If YES, enter delivery address below:   No	
	524 South Union Street Montgomery,, AL 3610 Asset Id 06-DEA-4719	4	⊓ Re	ce Type  certified Mail	
	cle Number	7005 03'	90 000	10 9054 8363	

PS Form 3800, June 2002

(Transfer from service label)

PS Form 3811, February 2004

Case

Postal Service™ 8363 9054 Postage 0000 Certified Fee Postmark Return Receipt Fee (Endorsement Required) Here 0390 Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$ 7005 Sent To Street, Apt. No.; or PO Box No. City, State, ZIP+4

Domestic Return Receipt

EXHIBIT 10

102595-02-M-15



Document 8-2 Filed 09/05/2007 Page 33 of 46

Drug Enforcement Administration

Asset ID: 06-DEA-471966 Case #: KI-06-0058 Asset Description: \$8,000.00 U.S. Currency Seizure Date: 07/28/2006 Seizure Value: \$8000.00

Adoption Date: 08/23/2006 Seizure Place: Montgomery, AL Owner Name: Jaquard Merritt Seized From: Jacquard Merritt

Judicial District: Middle District of Alabama

## DECLARATION OF FORFEITURE

The above-described property has been seized by agents of the **DRUG ENFORCEMENT** ADMINISTRATION pursuant to 21 U.S.C. Section 881. Notice of the seizure has been sent to all known parties who may have a legal or possessory interest in the property. Also, in accordance with 19 U.S.C. Section 1607, notice of the seizure has been published and no claim has been filed for the property within 30 days from the date of last publication of the advertisement. On this date, I have examined this matter, and found that there was sufficient information to support the forfeiture of this property. THEREFORE, it is hereby declared that such property is forfeited to the United States pursuant to 19 U.S.C. Section 1609.

> Íohn Senior Atterne Asset

Forfeiture Section

Date

Asset ID: 06-DEA-471966 Case #: KI-06-0058 Asset Description: \$8,000.00 U.S. Currency Seizure Date: 07/28/2006 Seizure Value: \$8000.00

Adoption Date: 08/23/2006
Seizure Place: Montgomery, AL
Owner Name: Jaquard Merritt
Seized From: Jacquard Merritt
Judicial District: Middle District of Alabama

cc: DO: New Orleans RO: Montgomery

USMS: Montgomery

DEA.294 (JAN. 01)

### 2:07-cv-00627-WKW-TFM

## Document 8-3. DEiled 09/05/2007 ustrage 35 of 46

**Drug Enforcement Administration** 

\_\_\_\_www.dea.gov

FEB 7 2007

#### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Joe M. Reed Attorney at Law 524 South Union Street Montgomery, AL 36104

Re:

DEA Case No.:

KI-06-0058

Asset ID No.:

06-DEA-471966

Property:

\$8,000.00 U.S. Currency

Petitioner:

Jacquard Merritt

Dear Mr. Reed:

I am writing to you in response to the petition for remission or mitigation regarding the above-referenced property, submitted on behalf of Jacquard Merritt (hereafter the petitioner).

The remission or mitigation of a forfeiture is neither a right nor a privilege, but an act of grace. In re the Matter of Sixty Seven Thousand Four Hundred Seventy Dollars (\$67,467.00) v. United States, 901 F.2d 1540, 1543 (11<sup>th</sup> Cir. 1990); Laconia Savings Bank v. United States of America, 116 F. Supp. 2d 248 (2000). A Petition for Remission and Mitigation "does not serve to contest the forfeiture, but rather is a request for executive pardon of the property based upon the petitioner's innocence or, for a wrongdoer, on a plea of leniency." United States v. Vega, 72 F.3d 507, 514 (7th Cir. 1995), cert. denied sub nom. Early v. United States, 116 S. Ct. 2529 (1996). See also United States v. Wong, 62 F.3d 1212, 1214 (9th Cir. 1995); United States v. Ruth, 65 F.3d 599, 604 n.2 (7th Cir. 1995), cert. denied, 517 U.S. 1158; 116 S. Ct. 1548; 517 U.S. 1158 (1996). A decision with respect to remission or mitigation of a forfeiture is made solely at the discretion of the Attorney General. See United States Code (U.S.C.) 21 U.S.C. § 881 (d) (2006); 19 U.S.C. § 1618 (2006).

The Attorney General and the Administrator of the Drug Enforcement Administration (DEA) have delegated the authority to determine the merits of such petitions to this office. 28 C.F.R. §§ 0.100 (b), 0.104; 28 C.F.R. §9.1 (b). This office's decision on your petition is not subject to judicial review on its merits. See: United States v. One 1987 Jeep Wrangler Automobile, 972 F.2d 472, 479 (2d Cir. 1992) ("[T]he overwhelming weight of authority supports the position that a federal court lacks jurisdiction to review the merits of administrative forfeiture decisions once the administrative process has begun.") United States v. Hewett, (S.D.N.Y. 2003) 2003 U.S. Dist. LEXIS 9812; Walker v. DEA, (S.D.N.Y. 2003) 2003 U.S. Dist. LEXIS 14958. Once the administrative

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begun, a federal district court generally does not have subject matter jurisdiction to review the merits of an administrative forfeiture decision. <u>Dawson v. The Drug Enforcement Administration</u>, 927 F. Supp. 748; 1996 U.S. Dist. LEXIS 8061 (1996).

The petitioner has the burden of establishing the basis for granting a petition for remission or mitigation of forfeited property. See Regulations Governing the Remission or Mitigation of Civil and Criminal Forfeiture, 28 C.F.R. § 9.5 (a) (3). See 19 U.S.C. § 1618 (The Attorney General may return the property if he finds mitigating circumstances to justify the remission.) As the Ruling Official, 1 did not consider whether the evidence was sufficient for forfeiture, but presumed a valid forfeiture. 28 C.F.R. § 9.5 (a) (4). See Juncaj v. United States, 894 F.Supp. 318, 320 (E. D. Mich. 1995); Reinoso v. Drug Enforcement Administration, No. 93-CIV-1516 (KTD), 1994 U.S. Dist. LEXIS 18054. Federal regulations explicitly prohibit remission of a forfeiture unless the petitioner establishes the following:

- 1. A valid, good faith, and legally cognizable interest in the seized property as an owner or lienholder; and
- 2. Qualification as an "innocent owner" within the meaning of the applicable civil forfeiture statute.

During July, 2006, law enforcement agents were investigating drug trafficking activity in the Montgomery, Alabama area. During this time, the agents were able to identify the petitioner as an individual who was connected with the trafficking of controlled substances, placed him at the location of a drug transaction, and observed him participating in a drug transaction. On July 28, 2006, immediately after a call was received at 418 Empire, Montgomery Alabama, a residence where the petitioner was located, stating that law enforcement would be arriving soon and to discard any illegal substances at that location, the petitioner immediately left the residence. The petitioner was stopped and the above-described currency was discovered. The petitioner stated the funds were derived from real estate he was involved with and were proceeds from his sales. An Alabama Industrial Relations check failed to provide any employment activity for the petitioner.

The facts and circumstances of this investigation revealed probable cause to believe that the seized currency was furnished or was intended to be furnished in exchange for a controlled substance, in violation of 21 U.S.C. Section 881 (a) (6). While the presence of a large amount of cash, standing alone, is insufficient to support forfeiture, courts have held that possession of a large amount of cash is "strong evidence that the money was furnished or intended to be furnished in return for drugs." United States v. \$42,500.00 United States Currency, 283 F.3d 977, 981 (9<sup>th</sup> Cir. 2002); see also United States v. \$215,300, 882 F.2d 417, 419 (9th Cir. 1989), cert. denied, 497 U.S. 1005 (1990). These funds would be considered to be proceeds. Proceeds are property that would not have been obtained or retained but for the criminal offense and that property is subject to forfeiture. Kadonsky v. United States, 216 F.3d 499; 2000 U.S. App. LEXIS 15836; cert. denied 531 U.S. 1176, 148 L. Ed. 2d 1013, 121 S. Ct. 1151, 2001 U.S. LEXIS 1579, 69 U.S.L.W. 3555 (2001); United States v. One 1987 Mercedes 560 SEL, 919 F.2d 327 (5th Cir. 1990). See also United States v. Horak, 833 F. 2d 1235 (7<sup>th</sup> Cir. 1987).

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On October 30, 2006, DEA received the petitioner's petition for remission or mitigation of forfeiture. The petitioner only alleges that the funds are his and failed to provide any independently verifiable documentation or evidence to support the theory that the funds were derived from a legitimate source. Pursuant to 28 C.F.R. § 9.3 (c) (iv), the interest of a petitioner in the property, as owner or otherwise, must be supported by satisfactory documentary evidence, for example, employment records, financial statements, bank statements, or cancelled checks. If the petitioner is alleging the forfeited currency is the result of some transaction, the petitioner must then provide credible, verifiable documentation evidencing the transaction, such as bills of sale, contracts, deeds, or mortgages.

Although the petition does not meet the minimum conditions for remission, as a matter of discretion, I re-examined the petition to determine whether extenuating circumstances exist that warrant mitigation of the forfeiture. 28 C.F.R. § 9.5 (b). The petitioner failed to adequately demonstrate that any mitigating factors exist to justify any relief from the forfeiture. Further, I reviewed the facts of this case to determine if the forfeiture would be in violation of the U.S. Constitution's Eighth Amendment prohibition against excessive punishments, as discussed in Austin v. United States, 113 S. Ct. 2801 (1993). Please be advised that I determined that the administrative forfeiture was entirely proportional to the offense, considering the substantial connection between the forfeited property and the offense. In addition, the correct forum in which to challenge the constitutionality of the forfeiture is Federal District Court. Since the petitioner has failed to contest this forfeiture judicially, this option is no longer open to him. United States v. Giraldo, 45 F.3d 509 (1st Cir. 1995); Caraballo V. Drug Enforcement Administration, 62 Fed. Appx. 362, 363 (2003).

For the reasons discussed above, the petition failed to meet the requirements for remission or mitigation. 28 C.F.R. Part 9. The petition is therefore denied.

The petitioner may request reconsideration of this decision. 28 C.F.R. § 9.3 (j). Only one request for reconsideration shall be considered. Any request for reconsideration must be based on information or evidence not previously considered. This new information or evidence must be material to the basis for this denial or must present a basis clearly demonstrating that the denial is erroneous. Requests must be postmarked or received by this office within 10 days of your receipt of this letter.

Further correspondence with this office must include the DEA Case and Asset ID numbers referenced above and be addressed to the Forfeiture Counsel, Asset Forfeiture Section, Drug Enforcement Administration, HQs Response, P.O. Box 1475, Quantico, Virginia 22134-1475. Correspondence sent via private delivery must be sent to Asset Forfeiture Section, Office of Operations Management, Drug Enforcement Administration, 2401 Jefferson Davis Highway, Alexandria, Virginia 22301.

Sincerely,

Senior Attorney

Asset Forfeiture Section

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Case 2:07-cv-00627-WKWGTUPW-C-Bocument & Detail 09/	05/2007 Page 38 of 46 complete this section on Delivery		
<ul> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature  X  Agent Address  B. Received by (Printed Name) C. Date of Delive Shumble (March 12)  D. Is delivery address different from item 1?  If YES, enter delivery address below:		
1. Article Addressed to: # 00 - 471 966 (KI)  Joe M. Reed  Attorney at Law  524 South Union Street			
Montgomery, AL 36104 Asset ID #06-DEA-471966 (KI)	3. Service Type Certified Mail		
2. Article Number	2150 0005 3475 5934		

Domestic Return Receipt

PS Form 3811, February 2004

CERTIFIED MAIL. RECEIPT ЭŢ Ŋ 347 W. Whiteot Postage 000 Certified Fee Postmark Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) 2150 Total Postage & Fees \$ 7006 Sent To Street, Apt. No.; or PO Box No. City, State, ZIP+4

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ATTORNEYS AT LAW

524 South Union Street Montgomery, Alabama 36104 Telephone: (334) 834-2000

Facsimile: (334) 834-2088

Winn Faulk Joe M. Reed

February 26, 2007

Hon. John J. Cipriani Senior Attorney Forfeiture Counsel Asset Forfeiture Section Drug Enforcement Administration HQs Response P.O. Box 1475 Quantico, VA 22134-1475

RE: DEA Case # K1-06-0058; Asset I.D. No. 06-DEA-471966 Petitioner: Jacquard Merritt

Dear Mr. Cipriani:

I am in receipt of your letter dated February 7, 2007. We received your letter in this office on Friday, February 16, 2007. Because this matter was previously before the Circuit Court of Montgomery County, Alabama, and has since been removed to the United States District Court for the Middle District of Alabama, it is Mr. Merritt's contention that the DEA has no authority to act with respect to the res over which these courts are already exercising jurisdiction. Nevertheless, out of an abundance of caution, we are filing this response in the nature of a special appearance to contest the DEA's jurisdiction, and, in the event that it is ultimately held that the DEA does have jurisdiction, to preserve Mr. Merritt's right to contest the forfeiture before the DEA. Therefore, we ask that, subject to such contention, you construe this letter to be a request for reconsideration of forfeiture. Please allow me to correct and supplement the alleged facts you aver that are grounds for the belief that probable cause exists to forfeit Mr. Merritt's currency.

On July 26, 2006, Montgomery Police Officers investigating drug activity made a controlled buy from a suspect. Mr. Merritt was not at the scene of the controlled buy. Montgomery Police officers called the residence where the suspect resided and spoke with a child averring that the police were on their way and to get rid of any drugs. Mr. Merritt was at the house when the phone call was received but had no knowledge of its content. Upon leaving the residence, officers stopped Mr. Merritt without reasonable suspicion, and searched his vehicle. The search did not turn up any drugs. The search merely revealed a cell phone, video camera, and a Juicy Fruit wrapper. Merritt's person

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**EXHIBIT** 

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was searched, and \$8,000.00 was found on his person. No drugs were found on Mr. Merritt's person. Additionally, a search of the residence where Mr. Merritt left did not reveal any drugs. All of Mr. Merritt's belongings were seized by Montgomery Police Officers. Mr. Merritt was interrogated but not charged with any drug trafficking or drug possession crime involving the \$8,000.00 seized from his person. However, Mr. Merritt was served with two outstanding warrants alleging domestic violence. Mr. Merritt posted bail and requested the return of his cell phone, video camera, and \$8,000.00. All but the \$8,000.00 was returned to Mr. Merritt.

Per your letter, it is averred that the \$8,000.00 in question was furnished or intended to be furnished in exchange for a controlled substance. In support of that belief, you conclude that Mr. Merritt is connected with the trafficking of controlled substances by allegations which place him the location of a drug transaction, and observe him participating in a drug transaction. Such allegations are patently false and are not supported by any credible documentation, i.e. an arrest for the transaction which the funds are connected.

Mr. Merritt has not been charged with any criminal offense involving drug trafficking and the \$8,000.00 seized from his person on July 26, 2006. Mr. Merritt has never been arrested for any drug offense-ever. No law enforcement officer observed Mr. Merritt exchange drugs for the \$8,000.00. No law enforcement officer observed Mr. Merritt attempt to purchase drugs with \$8,000.00. No law enforcement officer participated in an exchange of drugs for Mr. Merritt's \$8,000.00. No law enforcement officer can connect the cash seized from Mr. Merritt to an exchange for a controlled substance. The aversion, presumably made by police officers in Montgomery, Alabama, that Mr. Merritt was at the location of a drug transaction and observed him participating in a drug transaction is a flat out lie. How do law enforcement agents observe an individual participate in a drug transaction and not arrest him for it? Simply put, they don't. No probable cause exists to charge him with a drug trafficking crime connected to the seized money, so no probable cause exists to believe that the funds are even subject to forfeiture. The averment that Mr. Merritt is "connected with the trafficking in controlled substances" is simply hogwash. Moreover, if Mr. Merritt was present, (which he was not) at the scene of a drug transaction, mere presence at the scene of a drug transaction, without more, is insufficient to hold probable cause exists to believe that funds seized from an individual were used or going to be used in exchange for controlled substances.

Your finding that the administrative forfeiture is "proportional to the offense" by showing a "substantial connection" to the offense is puzzling since there is no offense whatsoever to which the money may be connected.

Moreover, your looking for documentation of the seized funds as proceeds of a real estate transaction at the Department of Industrial Relations is not appropriate in this case. Mr. Merritt is an entrepreneur, not employed by an entity which would have to report withholding from Mr. Merritt.

Additionally, Mr. Merritt did contest the seizure by Montgomery Police Officer by filing suit in the Circuit Court of Montgomery, Alabama. His lawsuit predates any adoption of the seizure by the Drug Enforcement Administration and any administrative action taken by the Drug Enforcement Administration. The Circuit Court of Montgomery County, Alabama has jurisdiction of the case to the exclusion of all other courts, including, but not limited to the United States District Court for the Middle

District of Alabama. The Circuit Court of Montgomery Alabama has not ceded its jurisdiction to The Drug Enforcement Administration or the United States District Court. See, *e.g.*, *Princess Lida of Thurn and Taxis v. Thompson*, 305 U.S. 456, 59 S.Ct. 275, 83 L.Ed.2d 285 (1939); and *Scarabin v. Drug Enforcement Administration*, 966 F. 2d 989 (5<sup>th</sup> Cir. 1992).

In conclusion, your finding that probable cause exists to forfeit Mr. Merritt's funds, based on the preceding facts, is erroneous. There is no reason a finding should have been made that probable cause exists to forfeit Mr. Merritt's currency. Neither the DEA nor Montgomery Police Officers have any documentation or credible evidence connecting Mr. Merritt's cash to a controlled substance exchange. Even the facts described in your letter do not articulate any basis for your assertion that the funds were being exchanged or furnished for a controlled substance. They only show they were taken from him after he left a residence, which is not yet illegal conduct in Alabama. Probable cause cannot reasonably be said to exist for any behavior which would make the funds subject to forfeiture.

Sincerely,

FAULK & REED, L.L.P.

Winn Faulk, for the firm

Montgomery, Alabama 36104 ATTORNEYS AJ LAW
524 South Union Street

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P.O. Box 1475 Drug Enforcement Administration HQs Response Senior Attorney Forfeiture Counsel Hon. John J. Cipriani Quantico, VA 22134-1475 Asset Forfeiture Section



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Drug Enforcement Administration

www.dea.gov

MAY 3 2007

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Joe M. Reed Attorney at Law 524 South Union Street Montgomery, AL 36104

Re:

DEA Case No.:

K1-06-0058

Asset ID No.:

06-DEA-471966

Property:

\$8,000.00 U.S. Currency

Petitioner:

Jacquard Merritt

Dear Mr. Reed:

I am writing to you in response to the request for reconsideration regarding the abovereferenced property.

As noted in the denial of the petition, the remission or mitigation of a forfeiture is neither a right nor a privilege, but an act of grace. In re the Matter of Sixty Seven Thousand Four Hundred Seventy Dollars (\$67,467.00) v. United States; 901 F.2d 1540, 1543 (11<sup>th</sup> Cir. 1990); Laconia Savings Bank v. United States of America; 116 F. Supp. 2d 248; (2000). A Petition for Remission and Mitigation "does not serve to contest the forfeiture, but rather is a request for executive pardon of the property based upon the petitioner's innocence or, for a wrongdoer, on a plea of leniency." United States v. Vega, 72 F.3d 507, 514 (7th Cir. 1995), cert. denied sub nom. Early v. United States, 116 S. Ct. 2529 (1996). See also United States v. Wong, 62 F.3d 1212, 1214 (9th Cir. 1995); United States v. Ruth, 65 F.3d 599, 604 n.2 (7th Cir. 1995), cert. denied, 517 U.S. 1158; 116 S. Ct. 1548; 517 U.S. 1158 (1996). A decision with respect to remission or mitigation of a forfeiture is made solely at the discretion of the Attorney General. See 21 United States Code (U.S.C.) § 881 (d) (2007); 19 U.S.C. § 1618 (2007).

The Drug Enforcement Administration's (DEA) decision regarding the petition for remission or mitigation is not subject to judicial review. See: <u>United States v. One 1987 Jeep Wrangler Automobile</u>, 972 F.2d 472, 479 (2d Cir. 1992) ("[T]he overwhelming weight of authority supports the position that a federal court lacks jurisdiction to review the merits of administrative forfeiture decisions once the administrative process has begun.") <u>United States v. Hewett</u>, (S.D.N.Y. 2003) 2003 U.S. Dist. LEXIS 9812; <u>Walker v. DEA</u>, (S.D.N.Y. 2003) 2003 U.S. Dist. LEXIS 14958. Once the administrative process has begun, a federal district court generally does not have subject matter jurisdiction to review the merits of an administrative forfeiture decisi

EXHIBIT

The Drug Enforcement Administration, 927 F. Supp. 748 (1996). Furthermore, DEA is barred from considering whether the evidence was sufficient to support the administrative forfeiture of the asset. Accordingly, I presumed a valid forfeiture. See Regulations Governing the Remission or Mitigation of Civil and Criminal Forfeiture 28 Code of Federal Regulations (C.F.R.) § 9.5 (a) (4). In addition, a request for reconsideration must be based on information or evidence not previously considered. 28 C.F.R. § 9.3 (j). This new information or evidence must be material to the basis for this denial or must present a basis clearly demonstrating that the denial is erroneous.

Initially, responding to your allegation that DEA does not have jurisdiction in this matter: The United States District Court for the Middle District of Alabama, in Case No. 2:06-cv-1105-MEF-WC, dismissed and remanded the matter of Merritt v. City of Montgomery, et al., on March 27, 2007. Further, on May 1, 2007, the Circuit Court of Montgomery County dismissed the case of Merritt v. City of Montgomery, et al., case no. CV-06-2215. The assertion that you made that since you filed a Temporary Restraining Order and Motion For Release and Return of Seized Money on August 21, 2006, gave jurisdiction to the state court is without merit in that the Circuit Court did not rule on your motion until December 13, 2006. Pursuant to the rule of prior exclusive jurisdiction, the federal government obtained in rem jurisdiction over the forfeited property prior to the issuance of the state court ruling. Only a previously commenced state in rem proceeding will serve to divest federal in rem jurisdiction. That is not the case here. See United States v. \$79,123.49 In U.S. Cash and Currency, 830 F.2d 94 (7th Cir. 1987) and cases cited therein. United States v. One Black 1999 Ford Crown Victoria LX, 118 F. Supp. 2d 115 (D.C. Mass. 2000).

Nevertheless, DEA conducted a thorough review of the facts and circumstances surrounding this matter. This review revealed that your client, Jacquard Merritt (hereafter the petitioner) has been involved in controlled substance activity, on various levels, including as a distributor, for many years. In fact, he was interdicted at the Montgomery Regional Airport on July 5, 2005, with over \$36,000.00 secreted in his baggage and \$4,878.00 found on his person. It should also be noted that the petitioner was accompanied by Michael Coleman who was discovered to be in possession of over \$80,000.00 that was secreted in his luggage. Both the petitioner and Coleman initially gave inconsistent and conflicting statements to the law enforcement agents conducting the search. The Honorable W. Keith Watkins, United States District Judge, Middle District of Alabama, denied a motion to suppress on February 6, 2007, in <u>USA v. \$80,633, et al.</u>, 2:05-cv-01086-WKW-TFM.

These facts are mentioned because the petitioner alleges he is without knowledge or culpability in the instant case. The facts are that on July 27, 2006, the day prior to the seizure of the above-described currency, the petitioner was present with other individuals who were conducting a multi-kilo cocaine transaction. The petitioner was observed directly participating in the discussions about the price per kilogram of cocaine. The following day, the petitioner was present when a telephone call was placed to a residence, wherein the caller stated that an associate of the petitioner's was arrested and the police were on their way to the residence. The petitioner immediately left that residence. The petitioner was stopped and searched incident to an arrest and the currency was discovered. The petitioner's self serving statement that he was without knowledge is inconsistent with the facts. The fact that the petitioner may have gotten rid of the drugs prior to his being stopped does not change the fact that the currency was used or intended for use in controlled substance transactions. Further, your client's unsubstantiated statements that he was in "real estate" are further evidence that the funds were derived from illicit means. The petitioner has failed to provide any

independently verifiable evidence that the funds were from a legitimate source. Once probable cause to forfeit the property is shown, the burden of proof shifts to the petitioner to prove by a preponderance of the evidence that the funds came from an independent, non-drug-related source. United States v. \$ 7,300 in U.S. Currency, 2003 U.S. Dist. LEXIS 10968 (S.D.N.Y June 26, 2003); United States v. One 1986 Nissan Maxima GL, 895 F.2d 1063 (5th Cir. 1990); United States v. \$250,000 In U.S. Currency, 808 F.2d 895 (1st Cir. 1987). The petitioner has failed to carry this burden.

Given the facts of the previous day, coupled with the petitioner's attempt to flee when notified that the police were on the way, negates any argument that the seizure was disproportionate or without probable cause. In addition, while the petitioner discounts the efforts of law enforcement by checking with the Department of Industrial Relations to verify his employment, by stating that the petitioner is an "entrepreneur, not employed by an entity which would have to report withholding" does not lend credibility to the petitioner's assertions because the petitioner has not provided any documentary evidence to support his allegation.

As indicated in DEA's letter dated February 7, 2007, pursuant to 28 C.F.R. § 9.3 (c) (iv), the interest of a petitioner in the property, as owner or otherwise, must be supported by satisfactory documentary evidence, for example, employment records, financial statements, bank statements, or cancelled checks. If the petitioner is alleging the forfeited currency is the result of some transaction, the petitioner must then provide credible, verifiable documentation evidencing the transaction, such as bills of sale, contracts, deeds, or mortgages. The petitioner had an opportunity to provide the documents and failed.

For the reasons discussed above, the request for reconsideration failed to meet the requirements for remission. 28 C.F.R. Part 9.

Although the petition did not meet the minimum conditions for remission, as a matter of discretion I also reexamined the petition to determine whether extenuating circumstances exist that warrant mitigation of forfeiture. See 28 C.F.R. § 9.5 (b). Mitigation is warranted in circumstances "where relief should be granted to avoid extreme hardship..." The petitioner's request for reconsideration has failed to establish grounds for relief by mitigation. The request for reconsideration is denied.

Pursuant to 28 C.F.R. § 9.3 (j), a petitioner is only entitled to file one request for reconsideration per seizure. The petitioner has exercised this right and the denial of the petition for the above-referenced asset is now final.

Sincerely,

John Hieronymus Forfeiture Counsel

Case 2:07-cv-00627-WKV	SENDER: COMPLETE THIS SE	ctioniled 09/0	COMPLETE THIS S	C 46 of 46	/EDV	
	<ul> <li>Complete items 1, 2, and 3. A item 4 if Restricted Delivery is</li> <li>Print your name and address as that we can return the card</li> <li>Attach this card to the back of or on the front if space permits</li> </ul>	desired. on the reverse to you. the mailpiece	A. Signature  X. Mark Wood Level Age  Ade  B. Received by (Printed Name)  C. Date of D			
	1. Article Addressed to:  Joe M. Reed Attorney at Law 524 South Union Street  (KI)06-DEA-471966		D. Is delivery address different from item 1?			
	Montgomery, AL 36104 06-471966-006	14[0	3. Service Type ☐ Certified Mall ☐ Registered ☐ Insured Mail 4. Restricted Delivery	Express Mail Return Receipt C:O.D. (Extra Fee)	t for Merchandise	
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U.S. Postal Service™ **CERTIFIED MAIL™ RECEIPT** 1 (Domestic Mail Only; No Insurance Coverage Provided) 0972 Postage 0007 Certified Fee Postmark Return Receipt Fee (Endorsement Required) Here Restricted Delivery Fee (Endorsement Required) 27 Total Postage & Fees \$ П 7004 Sent To Street, Apt. No.; or PO Box No. City, State, ZIP+4

EXHIBIT

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Case 2:07-cv-00416-WHA-CSC

Document 11

Filed 08/17/2007

Page 1 of 6

#### IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

MICHAEL JOE GREEN, JOHNNY JAMES )	
BROWN, AND ALETHA JOHNSON,	)
	)
Plaintiffs,	)
	) CIVIL ACTION NO. 2:07cv416-WHA
VS.	)
	) (WO)
DRUG ENFORCEMENT AGENCY,	
	)
Defendant.	)

#### MEMORANDUM OPINION AND ORDER

#### I. <u>INTRODUCTION</u>

This cause is before the court on a Motion to Dismiss (Doc. #5) filed by the Drug Enforcement Administration ("DEA") on July 13, 2007.

The Plaintiffs, Michael Joe Green, Johnny James Brown, and Aletha Johnson ("the Plaintiffs"), filed this case against DEA seeking declaratory and injunctive relief and the return of \$32,353.00.

For reasons to be discussed, the Motion to Dismiss is due to be GRANTED.

#### II. MOTION TO DISMISS STANDARD

A Rule 12(b)(1) motion challenges the district court's subject matter jurisdiction and takes one of two forms: a "facial attack" or a "factual attack." A "facial attack" on the complaint requires the court to assess whether the plaintiff has alleged a sufficient basis for subject matter jurisdiction. *Lawrence v. Dunbar*, 919 F.2d 1525, 1529 (11th Cir. 1990). A "factual attack," on the other hand, challenges the existence of subject matter jurisdiction based on matters outside the pleadings. *Lawrence*, 919 F.2d at 1529. Under a factual attack, the court may hear

conflicting evidence and decide the factual issues that determine jurisdiction. *Colonial Pipeline Co. v. Collins*, 921 F.2d 1237, 1243 (11th Cir. 1991). The burden of proof on a Rule 12(b)(1) motion is on the party averring jurisdiction. *Thomson v. Gaskill*, 315 U.S. 442, 446 (1942).

### III. FACTS

\_\_\_\_\_In December 2006, the Montgomery Police Department seized \$32, 353.00 from the Plaintiffs during a traffic stop of Plaintiffs Green and Brown. During the course of the stop, the law enforcement officer viewed \$20,000 cash in plain view, and a canine unit alerted on marijuana in the vehicle. The remaining cash was found during a search of the vehicle.

On December 29, 2006, The Plaintiffs filed a Complaint and Motion for Release and Return of Seized Money in the Circuit Court of Montgomery County, Alabama. The suit named the City of Montgomery, J.J. Allen, and Henry Davis as Defendants. The currency was not named as a party in the state court complaint.

On January 11, 2007, DEA adopted the City of Montgomery's seizure. According to DEA, DEA adopted the City of Montgomery's seizure for federal forfeiture because DEA's investigation revealed probable cause to believe that the seized currency was furnished or intended to be furnished in exchange for a controlled substance. Plaintiffs do not dispute DEA's representations that it commenced administrative forfeiture proceedings by sending Certified Notice of Seizure Letters, that DEA received the United States Postal Service Domestic Return Receipt for Green and Brown's addresses, and that DEA published notice in *The Wall Street Journal* for three consecutive weeks. No claim was filed by the Plaintiffs.

On February 1, 2007, the Montgomery County Circuit Court case was removed to federal court. The Plaintiffs filed two Motions to Remand. On April 17, 2007, the district court

Page 3 of 6

Case 2:07-cv-00416-WHA-CSC

Document 11

Filed 08/17/2007

remanded the case based on the state court Defendants' failure to respond to the first Motion to Remand.

On May 14, 2007, the state court case was dismissed with prejudice. On May 30, 2007, the Plaintiffs moved to set aside the order granting the motion to dismiss and requested that the case be reinstated and the motion styled as a motion for summary judgment. According to the Plaintiffs, on July 31, 2007, the Circuit Court of Montgomery County Alabama reinstated the state court case and set the matter for trial.

#### IV. DISCUSSION

Upon review of the Complaint filed in this case, the court finds it somewhat difficult to discern the legal basis for Plaintiffs' requested relief. The Plaintiffs have invoked federal forfeiture statutes, Rules 15 and 41 of the Federal Rules of Criminal Procedure, and the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution.

DEA has argued that this case should be dismissed for lack of subject matter jurisdiction because it is an improper attempt by the Plaintiffs to have this court collaterally review the merits of an administrative forfeiture. The Plaintiffs do not dispute DEA's description of the correct method by which to challenge the merits of an administrative forfeiture, but argue that their challenge is not to the merits, but to subject matter jurisdiction. This court cannot address the issue of an alleged lack of jurisdiction in the administrative forfeiture case unless the court has subject matter jurisdiction in this case. Therefore, the court turns first to the question of

<sup>&</sup>lt;sup>1</sup> To the extent that the Plaintiffs have cited Rule 41, "it is well-settled that the proper method for recovery of property which has been subject to civil forfeiture is not the filing of a Rule 41(e) Motion, but filing a claim in the civil forfeiture action." *United States v. Castro*, 883 F.2d 1018, 1019 (11th Cir. 1989).

jurisdiction in this case.

In *Valderrama v. United States*, 417 F.3d 1189 (11th Cir. 2005), the Eleventh Circuit affirmed the district court's determination that it lacked subject matter jurisdiction over challenges to the legitimacy of a forfeiture proceeding. The Eleventh Circuit stated that it would not review an argument raised on appeal that the United States lacked authority to administratively forfeit the property in question, because that was not a challenge to the process, but was instead a challenge to the merits. *Id.* at 1196. The court explained that it is without jurisdiction to review the merits of an administrative forfeiture. *Id.* Under *Valderrama*, therefore, the Plaintiffs' challenge to the authority of DEA to administratively forfeit the moncy in question is a merits challenge over which this court has no jurisdiction.

Also in *Valderrama*, the court explained that in 2000, Congress enacted the Civil Asset Forfeiture Reform Act of 2000 ("CAFRA"), specifically 18 U.S.C. § 983(e), which sets forth the exclusive remedy for seeking to set aside a declaration of forfeiture. *Id.* at 1195. The court stated that a court's review of a § 983(e) motion is limited to determining whether the agency followed proper procedural safeguards. *Id.* 

There is a citation in the Complaint filed in this case to provisions of the Constitution which contain procedural due process guarantees. Even construing the Complaint as a § 983(e) motion, however, the Plaintiffs are not entitled to relief. The Plaintiffs have not disputed that they were provided adequate notice in the forfeiture case. The substance of the allegations of their Complaint contains no procedural challenge. Therefore, even if this case were liberally construed as a motion filed pursuant to § 983(e), it seeks relief outside of this court's jurisdiction.

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A court may also exercise equitable jurisdiction to consider a challenge to a civil forfeiture. Valerrama, 417 F.3d at 1197. The Eleventh Circuit has held, however, that it is inappropriate for a court to exercise equitable jurisdiction to review the merits of a forfeiture action when the plaintiff elected not to pursue procedures for an adequate remedy at law. Id.; United States v. Eubanks, 169 F.3d 672 (11th Cir. 1999). As the lower court in Valderrama explained, "courts will permit claimants to challenge an administrative forfeiture when procedural missteps denied them the opportunity to challenge the merits of the forfeiture, but not when claimants had an opportunity to present all of their arguments at the administrative level." Valderrama v. U.S., 326 F. Supp. 2d 1333, 1337 (S.D. Fla. 2004).

In Eubanks, cash taken from a vehicle pursuant to a traffic stop was administratively forfeited. DEA sent notices to the potential claimant and published notice in a national newspaper. Years after the forfeiture, the plaintiff filed a motion for return of the money. The court concluded that because the person seeking return of the money had the opportunity to dispute the basis for the forfeiture and failed, without explanation, to do so, the district court could not exercise equitable jurisdiction. *Id.* at 674.

In this case, the Plaintiffs have not disputed that they received adequate notice in the forfeiture case. The Plaintiffs also have not argued that they were precluded from filing a claim or that they could not have challenged jurisdiction in the forfeiture case.<sup>2</sup> Therefore, other than

<sup>&</sup>lt;sup>2</sup> In fact, cases relied upon by the Plaintiffs involved claimants to forfeited property who raised jurisdictional issues in the forfeiture proceedings. See, e.g., United States v. One 1979 Chevrolet C-20 Van, 924 F.2d 120 (7th Cir. 1991). Other cases cited by the Plaintiffs, which pre-date the CAFRA, involve procedural challenges. See, e.g., Scarabin v. DEA, 966 F.2d 989 (5th Cir. 1992).

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the length of time which lapsed between administrative forfeiture and the potential claimants'

response, the instant case is indistinguishable from Eubanks. Accordingly, this court finds that it

cannot exercise equitable jurisdiction in this matter.

Because the court does not have subject matter jurisdiction in this case, it cannot reach

the question raised by the Plaintiffs of the propriety of jurisdiction in the forfeiture case.

V. CONCLUSION

For the reasons discussed it is hereby ORDERED that the Motion to Dismiss (Doc. #5) is

GRANTED, and the case is DISMISSED for lack of jurisdiction.

A separate Judgment will be entered in accordance with this Memorandum Opinion and

Order.

Done this 17th day of August, 2007.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON

SENIOR UNITED STATES DISTRICT JUDGE

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